

JOURNAL
OF THE
SENATE

OF THE
STATE OF KANSAS

FOR THE

2013 Legislative Session
January 14 through June 20, 2013
and
2013 Special Session
September 3 through September 4, 2013

HELD AT THE

STATE CAPITOL
TOPEKA, KANSAS

DIANE MINEAR, *Secretary of the Senate* (Regular Session)
COREY CARNAHAN, *Secretary of the Senate* (Special Session)

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Governor

SAM BROWNBACK, Topeka

Lieutenant Governor

JEFF COLYER, Overland Park



OFFICERS OF THE SENATE

2013 Regular Session



Susan Wagle , Wichita.....	President
Jeff King , Independence.....	Vice President
Terry Bruce , Hutchinson.....	Majority Leader
Anthony Hensley , Topeka.....	Minority Leader
Diane Minear , Tonganoxie.....	Secretary
Jody Kirkwood , Meriden.....	Sergeant at Arms

STATE SENATORS
2013 LEGISLATIVE SESSION
Members Listed Alphabetically

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

**SENATE COMMITTEE ASSIGNMENTS
2013 LEGISLATIVE SESSION**

Standing Committees

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

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

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

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

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

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

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

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

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

10:30 a.m. **Judiciary (11)** **Room 346-S**
King, *Chairperson*; Smith, *Vice Chairperson*; Bruce, Knox, Love, Lynn, McGinn, Petersen,
Pilcher-Cook.
Haley, *Ranking Minority Member*; Pettey.

8:30 a.m. Thur/Fri **Natural Resources (11)** **Room 159-S**
 Powell, *Chairperson*; Kerschen, *Vice Chairperson*; Arpke, McGinn, O'Donnell, Ostmeyer,
 Pyle, Smith, Tyson.
 Francisco, *Ranking Minority Member*; Hawk.

On Call **Organization, Calendar and Rules (9)**
 Wagle, *Chairperson*; Bruce, *Vice Chairperson*; Apple, King, Masterson, Olson, Ostmeyer,
 Petersen, Pilcher-Cook.

1:30 p.m. **Public Health and Welfare (9)** **Room 118-N**
 Pilcher-Cook, *Chairperson*; Bowers, *Vice Chairperson*; Denning, Holmes, LaTurner, Love,
 O'Donnell.
 Kelly, *Ranking Minority Member*; Haley.

8:30 a.m. Tues-Fri **Transportation (9)** **Room 546-S**
 Petersen, *Chairperson*; Wolf, *Vice Chairperson*; Donovan, Fitzgerald, King, LaTurner, Schmidt.
 Pettet, *Ranking Minority Member*; Hensley.

1:30 p.m. **Utilities (11)** **Room 548-S**
 Apple, *Chairperson*; Knox, *Vice Chairperson*; Emler, Longbine, Lynn, Masterson, Olson,
 Petersen, Smith.
 Francisco, *Ranking Minority Member*; Hawk.

10:30 a.m. **Ways and Means (11)** **Room 548-S**
 Masterson, *Chairperson*; Denning, *Vice Chairperson*; Abrams, Arpke, Fitzgerald, Kerschen,
 Melcher, O'Donnell, Powell.
 Kelly, *Ranking Minority Member*; Francisco.

Joint Committees of the Senate and House

Administrative Rules and Regulations

On Call (5 Senate – 7 House)
Schmidt, *Vice Chairperson*; Faust-Goudeau, Hawk, Love, Ostmeyer.
House Members: Schwartz, *Chairperson*; Huebert, Kahrs, Lunn, Pauls, Trimmer, Winn.

Corrections and Juvenile Justice Oversight

On Call (7 Senate – 7 House)
McGinn, *Vice Chairperson*; Abrams, Faust-Goudeau, Fitzgerald, Haley, LaTurner, Smith.
House Members: Rubin, *Chairperson*; Alford, DeGraaf, Finney, Henry, Hildabrand, Ward.

Information Technology

On Call (5 Senate – 5 House)
Petersen, *Vice Chairperson*; Francisco, Holland, Love, Melcher.
House Members: Esau, *Chairperson*; Johnson, Jones, Lane, Whipple.

Kansas Security

On Call (5 Senate – 5 House)
Emler, *Vice Chairperson*; Hensley, Holmes, Petersen, Pettey.
House Members: Goico, *Chairperson*; Bridges, Frownfelter, Mast, O'Brien.

Legislative Coordinating Council

On Call (3 Senate – 4 House)
Wagle, *Chairperson*; Bruce, Hensley.
House Members: Merrick, *Vice Chairperson*; Davis, Mast, Vickrey.

Legislative Post Audit

On Call (5 Senate – 5 House)
Longbine, *Vice Chairperson*; Hensley, Kelly, Lynn, O'Donnell.
House Members: Mast, *Chairperson*; Barker, Burroughs, Peck, Trimmer.

Robert G. (Bob) Bethell Joint Committee on Home and Community Based Services and KanCare Oversight

On Call (5 Senate – 6 House)
Pilcher-Cook, *Chairperson*; Denning, Francisco, Kelly, O'Donnell.
House Members: Crum, *Vice Chairperson*; Ballard, Dove, Edmonds, Ryckman, Jr., Ward.

Special Claims Against the State

On Call (3 Senate – 4 House)
Kerschen, *Chairperson*; Bruce, Haley.
House Members: Hermanson, *Vice Chairperson*; Grant, Houser, Todd.

State Building Construction

On Call (5 Senate – 5 House)
Wolf, *Vice Chairperson*; Francisco, Kelly, Knox, Powell.
House Members: Brunk, *Chairperson*; Alford, Grant, Hutton, Ward.

State Tribal Relations

On Call (5 Senate – 5 House)
Ostmeyer, *Chairperson*; Bowers, Haley, Knox, Pettey.
House Members: Macheers, *Vice Chairperson*, Burroughs, Ewy, 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 224-E
(785) 296-7381

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

Apple, Pat

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

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

Arpke, Tom

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

Committee	Rank	Time	Room
Education	Vice Chair	On Call	
Natural Resources	Member	8:30 am Thur/Fri	159-S
Ways and Means	Member	10:30 am	548-S

Bowers, Elaine S.

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

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

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

Majority Leader

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

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

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

Donovan, Leslie D. "Les"
 Republican, District 27
 Room 123-E
 (785) 296-7385

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

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

Committee	Rank	Time	Room
Federal and State Affairs	Vice Chair	10:30 am	144-S
Kansas Security (Joint)	Vice Chair	On Call	
Commerce	Member	8:30 am	548-S
Utilities	Member	1:30 pm	548-S

Faust-Goudeau, Oletha

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

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

Fitzgerald, Steve

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

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

Francisco, Marci

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

Assistant Minority Leader

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

Haley, David

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

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

Hawk, Tom

Caucus Chair

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

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

Hensley, Anthony

Democratic Leader

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

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

Holland, Tom

Agenda Chair

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

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

Holmes, Mitch

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

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

Kelly, Laura

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

Minority Whip

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

Kerschen, Dan

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

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

King, Jeff

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

Vice President

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

Knox, Forrest

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

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

LaTurner, Jacob

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

Committee	Rank	Time	Room
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	546-S
Public Health and Welfare	Member	1:30 pm	118-N
Transportation	Member	8:30 am Tues-Fri	546-S

Longbine, Jeff

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

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

Love, Garrett

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

Majority Whip

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

Lynn, Julia

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

Assistant Majority Leader

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

Masterson, Ty

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

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

McGinn, Carolyn

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

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

Melcher, Jeff

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

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

O'Donnell, Michael

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

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

Olson, Robert "Rob"

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

Committee	Rank	Time	Room
Financial Institutions and Insurance	Chair	9:30 am	546-S
Commerce	Member	8:30 am	548-S
Confirmation Oversight	Member	On Call	
Federal and State Affairs	Member	10:30 am	152-S
Organization, Calendar and Rules	Member	On Call	
Utilities	Member	1:30 pm	548-S

Ostmeyer, Ralph

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

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

Petersen, Mike

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

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

Petty, Pat

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

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

Pilcher-Cook, Mary

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

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

Powell, Larry

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

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

Pyle, Dennis

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

Committee	Rank	Time	Room
Ethics, Elections and Local Government	Chair	9:30 am Mon/Thur	159-S
Education	Member	1:30 pm	144-S
Natural Resources	Member	8:30 am Thur/Fri	159-S

Schmidt, Vicki

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

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

Smith, Greg A.

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

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

Tyson, Caryn

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

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

COMMITTEES OF THE SENATE

Wagle, Susan		President	
Republican, District 30			
Room 333-E			
(785) 296-2419			
Committee	Rank	Time	Room
Interstate Cooperation	Chair	On Call	
Legislative Coordinating Council (Joint)	Chair	On Call	
Organization, Calendar and Rules Commerce	Chair Vice Chair	On Call 8:30 am	548-S
Wolf, Kay			
Republican, District 7			
Room 235-E			
(785) 296-7390			
Committee	Rank	Time	Room
State Building Construction (Joint)	Vice Chair	On Call	
Transportation	Vice Chair	8:30 am Tues-Fri	546-S
Education	Member	1:30 pm	144-S
Ethics, Elections and Local Government	Member	9:30 am Mon-Thur	159-S

*Ranking Minority Member

**Constitutional Provisions
Governing
the
Kansas Legislature**



State of Kansas

KANSAS CONSTITUTIONAL PROVISIONS CONCERNING LEGISLATIVE POWERS

Article 2.—LEGISLATIVE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 22. Legislative immunity.—For any speech, written document or debate in either house, the members shall not be questioned elsewhere. No member of the legislature shall be subject to arrest—except for treason, felony or breach of the peace—in going to, or returning from, the place of meeting, or during the continuance of the session; neither shall he be subject to the service of any civil process during the session, nor for fifteen days previous to its commencement.

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

§ 24. **Appropriations.**—No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law.

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

§ 26. This section was repealed by the adoption of 1972 HCR 1097, on Aug. 1, 1972.

§ 27. **Impeachment.**—The house of representatives shall have the sole power to impeach. All impeachments shall be tried by the senate; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.

§ 28. **Officers impeachable; grounds; punishment.**—The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

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

§ 30. **Delegations to interstate bodies.**—The legislature may confer legislative powers upon interstate bodies, comprised of officers of this state or its political subdivisions acting in conjunction with officers of other jurisdictions, relating to the functions thereof. Any such delegation, and any agreement made thereunder shall be subject to limitation, change or termination by the legislature, unless contained in a compact approved by the congress.

**Rules
of the
Kansas Senate**



State of Kansas

2013-2016

February 2013

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RULES OF THE SENATE
2013-2016

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

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

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

Rule 4. Order of Business. 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

2013-2014

March 2013

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 4, 2013, during the 2013 regular session and on February 3, 2014, during the 2014 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 13, 2013, during the 2013 regular session and on February 12, 2014, during the 2014 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 11, 2013, during the 2013 regular session and on February 10, 2014, during the 2014 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 15, 2013, during the 2013 regular session and on February 14, 2014, during the 2014 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on March 1, 2013, during the 2013 regular session and on February 28, 2014, during the 2014 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 27, 2013, during the 2013 regular session and March 26, 2014, during the 2014 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the

limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

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

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

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

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 5, 2013, during the 2013 regular session and after April 4, 2014, during the 2014 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

Joint rule 6. Floor amendments to bills making appropriations. Unless by majority consent to correct an error in drafting, no amendment from the floor in either house of the legislature to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Notwithstanding any rule in either house of the legislature, those portions of a motion to amend a bill as described in this rule shall be indivisible.

SENATE JOURNAL

PROCEEDINGS

OF THE

Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2013 REGULAR SESSION

January 14 through June 20, 2013

DIANE MINEAR, *Secretary of the Senate*

EXPLANATION OF ABBREVIATIONS

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

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

EXPLANATION OF PAGE NUMBERING

The Senate and House Journals are printed in separate volumes. Paging in both journals is consecutive 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 2013.

Journal of the Senate

PREORGANIZATIONAL MEETING OF SENATE MEMBERS-ELECT

SENATE CHAMBER, TOPEKA, KANSAS
Monday, December 3, 2012, 10:00 a.m.

In accordance with the provisions of KSA 46-142, Secretary of State Kris Kobach, called the preorganizational meeting of the 2013 session of the Kansas Legislature to order.

The roll was called by Secretary of State Kris Kobach from the list of members-elect as certified by the State Board of Canvassers:

STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE

I, KRIS KOBACH, Secretary of State, do hereby certify that the following persons were elected members of the Senate of the State of Kansas for a four year term beginning on the second Monday of January, A. D. 2013.

District

1 Dennis D. Pyle
2 Marci Francisco
3 Tom Holland
4 David Haley
5 Steve Fitzgerald
6 Pat Pettey
7 KayWolf
8 Jim Denning
9 Julia Lynn
10 Mary Pilcher-Cook
11 Jeff Melcher
12 Caryn Tyson
13 Jacob LaTurner
14 Forrest J. Knox
15 Jeff King
16 Ty Masterson
17 Jeff Longbine
18 Laura Kelly
19 Anthony Hensley
20 Vicki L. Schmidt

District

21 Greg A. Smith
22 Tom Hawk
23 Rob Olson
24 Tom Arpke
25 Michael O'Donnell
26 Dan Kerschen
27 Leslie D. "Les" Donovan, Sr.
28 Mike Petersen
29 Oletha Faust-Goudeau
30 Susan Wagle
31 Carolyn McGinn
32 Steve E. Abrams
33 Mitch Holmes
34 Terry Bruce
35 Jay Scott Emler
36 Elaine S. Bowers
37 Pat Apple
38 Garrett Love
39 Larry R. Powell
40 Ralph Ostmeyer

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed my official seal this 3rd day of December, A.D. 2012.

KRIS KOBACH
Secretary of State

Thirty-seven members-elect were present.

Secretary of State Kris Kobach requested members-elect complete the Secretary of State's information sheet on their desk and return to the Secretary of the Senate as soon as possible.

Secretary of State Kris Kobach appointed Senator Vicki Schmidt, District 20, to serve as temporary chairperson of the meeting.

Senator Schmidt announced that in accordance with KSA 42-142(b) upon adjournment, the majority and minority parties will caucus and nominate their candidates, respectively, for president and vice-president of the Senate for the next ensuing four years and select respectively, their majority leader, minority leader and other caucus or party officers.

The location of the Majority Party Caucus will be in the Senate Chamber.

The location of the Minority Party Caucus will be in Room 159-S.

Senator Schmidt reminded senators of the orientation for new members at 2:00 p.m. in the House Chamber.

There being no further matters to be brought before the meeting for consideration that are necessary or proper to aid the Legislature in performing its functions when they convene on Monday, January 14, 2013, the meeting was adjourned.

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 14, 2013, 2:00 p.m.

In accordance with the provisions of the Constitution of the State of Kansas and KSA 46-142(d), the 2013 Session of the Kansas Legislature was called to order by Deputy Assistant Secretary of State, Eric Rucker.

Deputy Assistant Secretary Rucker recognized Archbishop Joseph Naumann, Metropolitan Archbishop of the Ecclesial Province of Kansas. Archbishop Naumann will deliver the invocation following the swearing-in ceremony.

The Pledge of Allegiance was led by Deputy Assistant Secretary Rucker.

Deputy Assistant Secretary Rucker appointed Diane Minear to serve as temporary Secretary of the Senate until such time as a permanent Secretary is appointed.

Deputy Secretary Rucker requested the reader to call the roll of the Senate from the certified list of members-elect as submitted by the Secretary of State and recorded in the preorganizational meeting on December 3, 2012.

Forty members-elect were present.

Deputy Secretary Rucker introduced the Honorable Eric S. Rosen, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly-elected Senators.

OATH OF OFFICE

STATE OF KANSAS, COUNTY OF SHAWNEE, ss:

We, and each of us, do solemnly swear or affirm that we will support the Constitution of the United States and the Constitution of the state of Kansas, and faithfully discharge the duties of the office of the Senator of the State of Kansas, So help us God.

District

- 1 Dennis D. Pyle
- 2 Marci Francisco
- 3 Tom Holland
- 4 David Haley
- 5 Steve Fitzgerald
- 6 Pat Pettey
- 7 KayWolf
- 8 Jim Denning
- 9 Julia Lynn
- 10 Mary Pilcher-Cook
- 11 Jeff Melcher

District

- 21 Greg A. Smith
- 22 Tom Hawk
- 23 Rob Olson
- 24 Tom Arpke
- 25 Michael O'Donnell
- 26 Dan Kerschen
- 27 Leslie D. "Les" Donovan, Sr.
- 28 Mike Petersen
- 29 Oletha Faust-Goudeau
- 30 Susan Wagle
- 31 Carolyn McGinn

12 Caryn Tyson	32 Steve E. Abrams
13 Jacob LaTurner	33 Mitch Holmes
14 Forrest J. Knox	34 Terry Bruce
15 Jeff King	35 Jay Scott Emler
16 Ty Masterson	36 Elaine S. Bowers
17 Jeff Longbine	37 Pat Apple
18 Laura Kelly	38 Garrett Love
19 Anthony Hensley	39 Larry R. Powell
20 Vicki L. Schmidt	40 Ralph Ostmeyer

Subscribed and sworn to, or affirmed, before me this 14th day of January, 2013.

ERIC ROSEN

Justice of the Supreme Court

CAUCUS REPORTS

Majority Party Caucus

December 3, 2012

The members-elect of the majority party of the Senate have met and caucused as required by K.S.A. 46-142, and:

(a) Nominate as their candidates for the following offices for the next ensuing four years:

- (1) President of the Senate, Susan Wagle
- (2) Vice President of the Senate, Jeff King

(b) Select the following caucus or party officers:

- (3) Majority Leader, Terry Bruce
- (4) Assistant Majority Leader, Julia Lynn
- (5) Assistant Majority Leader/Whip, Garrett Love

(c) Select the following named members of the Committee on Organization, Calendar and Rules:

- Position No. 1, Ralph Ostmeyer
- Position No. 2, Rob Olson
- Position No. 3, Mary Pilcher-Cook
- Position No. 4, Pat Apple
- Position No. 5, Ty Masterson
- Position No. 6, Mike Petersen

Susan Wagle

Chairperson

Majority Party Caucus

Minority Party Caucus

December 3, 2012

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

- (a) Democratic Leader, Anthony Hensley
- (b) Assistant Democratic Leader, Marci Francisco
- (c) Democratic Whip, Laura Kelly

- (d) Agenda Chair, Tom Holland
- (e) Caucus Chair, Tom Hawk

Anthony Hensley
Chairperson
 Minority Party Caucus

Deputy Assistant Secretary Rucker proceeded with the business of the election of officers of the Senate. Senator Bruce then placed in nomination the name of Senator Susan Wagle for the office of President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator Wagle was elected by acclamation.

In compliance with the Majority Caucus Report, Senator Bruce placed in nomination the name of Senator Jeff King for the office of Vice President of the Senate. Senator Hensley seconded the nomination. After inquiry by the chairperson, there being no other nominations, the nominations ceased and Senator King was elected by acclamation.

Deputy Assistant Secretary Rucker requested Senators Bruce and Hensley to escort the newly elected Vice President to the front of the Senate Chamber, where Justice Rosen administered the Oath of Office.

OATH OF OFFICE

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 faithfully discharge the duties of my respective office in the Kansas State Senate.

JEFF KING, *Vice President*

Subscribed and sworn to, or affirmed, before me the 14th day of January, 2013.

ERIC S. ROSEN
Justice of the Supreme Court

Deputy Assistant Secretary Rucker requested Senators Bruce and Hensley to escort the newly elected President to the front of the Senate Chamber, where Justice Rosen administered the Oath of Office.

OATH OF OFFICE

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 faithfully discharge the duties of my respective office in the Kansas State Senate.

SUSAN WAGLE, *President*

Subscribed and sworn to, or affirmed, before me the 14th day of January, 2013.

ERIC S. ROSEN
Justice of the Supreme Court

Deputy Assistant Secretary Rucker passed the gavel to President Wagle.

REMARKS BY PRESIDENT WAGLE

Thank you for that warm welcome. These are exciting times.

I am deeply humbled and honored by the privilege you have entrusted to me to lead this historic body for the next four years. Thank you for your trust, your faith, and your friendship. I cannot begin to tell you what it means to me.

I also want to thank my husband Tom, and my family. They are here with me today. My family has stood by my side during my entire legislative career. They have also walked with both me and my youngest son Paul through some well-known cancer bouts that threatened to take our lives. Both Paul and I would not be here today if it weren't for the prayers and the support of our family, our extended family and our faith family at our Church.

I'd like to take a moment to introduce them by name and if each of you would stand when I call you.

My husband Tom.

Next to Tom is his mother Julia Wagle. Tom is her first born of 12 children.

Next to Julia is my father, Willard Kratz and my mother, Linda Kratz. I'm the second born of six children. Holidays with our families are very big wonderful parties.

On the front row we have Riley Scott, who is married to my daughter Julia and their two children Olivia and Ben – and one on the way in March. Julia is an emergency room doctor at Stormont Vail.

Next to Julia, we have Mike Maas who married my second born daughter Andrea. Andrea is a nurse educator at the University of Kansas Hospital and is expecting a child in late May.

Next to Andrea is John Wagle, my first born son. John is a project manager for QSI which is a national real estate management company in Wichita. His wife Michelle is by John.

And Paul is here. Paul is my youngest. He's about to graduate from Benedictine College in Atchison with a degree in biochemistry, chemistry and philosophy. And my husband and I just wrote our last tuition check a couple of weeks ago. That is a good feeling! So please welcome my family.

Kansas faces a number of challenges, and I promise you, a full range of issues will be debated over the next four years. The latest challenge arose just last week with the school funding decision. How this body meets those challenges will help determine the quality of life that Kansans will enjoy for decades to come. The extent to which this legislature decides to tax and spend, will also determine what opportunities will arise to attract new private sector jobs, grow our economy, and bring additional prosperity to the families of this state.

Meeting these challenges will not be easy. We will be required to make tough choices. We will be required to say no sometimes, even when we may not want to. We will have to prioritize and determine what our true needs are, versus what would be nice to have. I am sure we will have a few spirited debates about those priorities.

However, if we adhere to fiscally responsible principles, demand accountability and transparency, and never forget that the reason we are here is to be the voice of the people we were elected to serve, we will spend the next four years making Kansas stronger and our future brighter.

I ask each of you to keep one thing in mind – no matter our individual differences, ultimately we each were driven to run by the desire to solve some problem we saw in Kansas. We are a citizen legislature. We did not run because we were looking for a job and we certainly did not run for the financial rewards. We all ran to help the people of Kansas by pushing for solutions to solve the problems we encountered. And, while debates on some issues may get heated, and tempers may even flare, we can never lose sight of the fact that we are here as a legislative body to do the business of the people of Kansas.

To do that business, I pledge to you to lead this body inclusively. Every member will be heard. My door will always be open. While we ultimately may not all agree on every issue that comes before us, I will work hard to keep this a body where the voice of every Senator, indeed every Kansan, is appreciated and respected.

Thank you.

REMARKS BY MINORITY LEADER HENSLEY

I appreciate that on the first day of a new term, it is customary for the Senate Minority Leader to make some remarks.

But first, I would like to take a moment to remember the lives of the twenty children and six adults who were the victims of the recent shootings at Sandy Hook Elementary School in Newtown, Connecticut, as well as the two brave Topeka police officers who were needlessly gunned down while responding to a call this past month.

While it will take time for our nation and the Topeka community to heal, we should not allow the lives of these innocent victims to be forgotten. We should call upon our fellow Kansans to remember these precious individuals by expressing love and gratitude to those we hold dear, especially our children.

And, the next time you are in the presence of an educator, police officer or emergency responder, please take time to thank them for their selfless sacrifice and service.

Madam President, on behalf of the Senate Democratic caucus, I want to congratulate you, the Vice President, the Majority Leader and the other elected leadership of the majority party.

The members of our caucus look forward to working with all of the members of the majority party. We pledge our cooperation but know there will be those times when we agree to disagree.

Madam President, I especially congratulate you for your unprecedented achievement. You are the first female Senate President in Kansas history and I ask my fellow Senators to join me in applauding you for this historic accomplishment.

Breaking glass ceilings and defying the odds is nothing new to President Wagle. I want to also recognize Senator Wagle for her personal triumph. She is a cancer survivor. She is a fighter and a person of sincere beliefs, both personally and politically.

Today, we salute you for being here, alive and well, as our new Senate President.

I want to thank my fellow Democrats for electing me to once again serve as their leader. This is a high honor you have given me and I will do my best to represent you.

I also want to welcome everyone to my hometown, especially the new members of the Kansas Senate – those of you who have been elected for the first time, and those of you who came over from serving in the Kansas House of Representatives.

And, I want to welcome our family members to the Senate Chamber and thank them

for their support during the recent election campaigns.

We should also thank our families in advance for their patience and understanding while we are away from them during our time spent here in this legislative session and the sessions ahead.

Please allow me to take a moment of personal privilege to introduce the members of my own family who are here today. First, is my wife Deborah, who celebrated with me this past year, our 35th anniversary. She is the best door-to-door campaigner I've ever known!

Next, are our daughter Katie, her husband Jason Bivens, and our granddaughter, Brighton. I'm very proud that Katie is a 5th grade teacher at Whitson Elementary School here in Topeka and I'm very pleased to announce that she is expecting a baby girl in March.

And, I also want to introduce my mother, Georgina Webb, who has been through the years my greatest supporter and my greatest critic! A word of advice to those who don't know it, do not play poker with this woman!

Madam President, for me, it is hard to believe that 2013 is my 37th session. I point this out not to boast, nor to lecture you on why term limits are a bad idea. It is to recognize that whether this is your first or 37th session, what we did here today is still an awesome experience for us and our families as well.

And, even more awesome is that now we take on a great responsibility. We have been entrusted by the people of our district to represent them in this great legislative body.

Now that the elections are over and the oaths have been administered, we begin the process of debating and deciding public policy.

Legislative institutions are guided by basic principles, and I am reminded that a member of Congress once said, "Basic principles must endure if we are to have an effective institution, and chief among these is the belief that the principle of minority rights is equal in dignity and in importance and in no way subservient to the principle of majority rule."

The Congressman who made this statement was the former Republican Minority Leader Bob Michel of Illinois when he made his speech on the first day of a new term.

Madam President, the members of the minority party pledge our respect for the basic principle of majority rule. In return, we ask for your respect for our role and rights in this process.

The first day of this New Year, January 1, 2013, marked the 150th anniversary of the Emancipation Proclamation – an everlasting document that ushered in what President Lincoln would call "a new birth of freedom" for his era and for generations to come.

That moment in our history should serve as a reminder to all of us of our obligation to renew the uniquely American promises of freedom and progress for future generations of Kansans.

It is an understatement to say that the 2013 session will confront all of us with many great and difficult challenges.

The decisions we make in response to those challenges will have a profound impact on the citizens we represent.

Let us make those decisions in a spirit of inclusion and bi-partisanship.

Let us work together to maintain the best possible safety net we can for the people of Kansas, particularly the most vulnerable among us.

Let us work together to improve the Kansas economy by producing good-paying jobs and keeping our commitment to the 2010 comprehensive transportation plan.

Let us work together by fulfilling our constitutional duty to ensure that every Kansas child is given the best education possible regardless of their special needs, their family's income, or where they live.

This year, 2013, marks another anniversary.

It is the 50th anniversary of President Kennedy's assassination. For those of us who were aware of this tragic event, we well remember where we were when we first heard the news of it on Friday, November 22, 1963.

The most famous of President Kennedy's quotes was in his inaugural address when he asked of us what we could do for our country. But, on this occasion, I believe it is appropriate to recall a lesser known statement at the end of his speech:

"With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth God's work must truly be our own."

Over the next four years, let us lead the state we love while recognizing that the work we do here for the people we represent is to carry out what God would want us to do.

Thank you, Madam President.

Anthony Hensley
Senate Minority Leader

INVOCATION

President Wagle invited Archbishop Nauman to deliver the following invocation:

Heavenly Father,

We ask your blessing upon the newly sworn-in Senators for our State.

We give thanks for the generosity of these men and women, for the personal sacrifices that they have made in order to serve the people of the State of Kansas.

We ask Lord that you give them the strength to be faithful in fulfilling their sworn promise to uphold and support the Constitutions of the United States and the State of Kansas and to faithfully discharge the office of Senator.

Heavenly Father, give them the generosity to place the welfare of the people of the State of Kansas before self-interest and partisanship.

Endow them with wisdom as they strive to enact laws that will prudently utilize the precious resources of our State: 1) to maintain our roads, highways and bridges, 2) to educate well our young people, 3) to provide a safety net of care for the poor, the disabled, and the vulnerable, and 4) to provide for the safety and welfare of all Kansans.

Give them courage in protecting such fundamental rights as life and liberty – especially religious liberty and conscience rights.

Help them to develop public policies that 1) support strong marriages and family life, 2) create economic opportunity for all, and 3) protect the dignity of every citizen and resident of Kansas with special care for the weakest and most vulnerable.

In all their deliberations help them to be principled and prudent and even when they disagree to treat each other with respect.

Heavenly Father, give them enthusiasm and joy in their work, realizing the importance of their responsibilities and the precious opportunity that you and the people of Kansas have entrusted to them to strengthen our State and to improve the lives of thousands of their fellow citizens.

We ask your blessing on their spouses and families, who also make significant sacrifices as they support them in doing the people's work.

Help them to work diligently and wisely so that at the conclusion of this legislative session they can take satisfaction that the lives of all Kansans will be better for their service. We ask this prayer of you the One God and Lord of all. Amen.

INTRODUCTION OF GUESTS

President Wagle introduced former senators present in the chamber. They were Robert Tyson, Ross Doyan, Phil Journey, Ed Pugh, Nancy Harrington, Karen Brownlee, Nick Jordan and Jeff Colyer.

She noted that the Academy of Family Physicians sponsors the doctor of the day program and provides daily assistance for health concerns here in the Capital during the session. She introduced Dr. Christian Cupp, President of the Academy of Family Physicians. Dr. Cupp practices as a family physician in Scott City. He is an honors graduate of Washburn University and the University of Kansas School of Medicine. In 2009 Dr. Cupp received his Fellowship in the American Academy of Family Physicians. He is a member of the AAFP, the American Medical Association, the Kansas Academy of Family Physicians, and the Alpha Omega Alpha Honor Medical Society.

Also recognized were Jody Kirkwood, Sergeant-at-Arms; Roger Zlatnik, Assistant Sergeant-Arms and George Sommers, Assistant Sergeant-at-Arms

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate.

The new reader is Jan Lunn. The introduction of the Secretary of the Senate's staff followed. The Senate was called to order by Deputy Assistant Secretary of State, Eric Rucker.

The roll was called with forty senators present.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1701

A RESOLUTION relating to the organization of the Senate.

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

Susan Wagle, president,
 Jeff King, vice-president,
 Terry Bruce, majority leader,
 Anthony Hensley, minority leader,
 Diane Minear, secretary,
 Jody Kirkwood, sergeant at arms,

and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Bruce **SR 1701** was adopted unanimously.

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

SENATE RESOLUTION No. 1702

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 19, Apple 29, Arpke 4, Bowers 33, Bruce 2, Denning 13, Donovan 31, Emler 23, Faust-Goudeau 21, Fitzgerald 17, Francisco 8, Haley 22, Hawk 20, Hensley 39, Holland 40, Holmes 5, Kelly 38, Kerschen 15, King 10, Knox 6, LaTurner 12, Longbine 28, Love 26, Lynn 32, Masterson 9, McGinn 27, Melcher 18, O'Donnell 3, Olson 35, Ostmeyer 25, Petersen 11, Pettey 7, Pilcher-Cook 36, Powell 34, Pyle 30, Schmidt 24, Smith 37, Tyson 16, Wagle 1, Wolf 14.

On emergency motion of Senator Bruce **SR 1702** was adopted unanimously.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 1, AN ACT concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2012 Supp. 46-1106 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 2, AN ACT concerning the legislative post audit act; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 3, AN ACT concerning physician assistants; exempt license; amending K.S.A. 2012 Supp. 65-28a03 and repealing the existing section, by Senator Faust-Goudeau.

SB 4, AN ACT concerning criminal procedure; relating to the statute of limitations for certain sexually violent crimes; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, by Senator Faust-Goudeau.

SB 5, AN ACT concerning business entities; relating to use of names, by Senator Faust-Goudeau.

SB 6, AN ACT concerning the uniform act regulating traffic; relating to failure to comply with traffic citation; restricted driving privileges; amending K.S.A. 2012 Supp. 8-2110 and repealing the existing section, by Senator Faust-Goudeau.

SB 7, AN ACT concerning alcoholic beverages; relating to preparation of samples for tasting; relating to penalties; amending K.S.A. 41-713 and K.S.A. 2012 Supp. 41-308d, 41-354 and 41-2655 and repealing the existing sections, by Committee on Joint Committee on Administrative Rules and Regulations.

SB 8, AN ACT concerning judicial appointments; creating the Kansas commission on judicial qualifications; relating to senate confirmation, by Senator King.

SB 9, AN ACT enacting the cannabis compassion and care act; providing for the legal use of cannabis for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by the department of health and environment; amending K.S.A. 79-5210 and repealing the existing section, by Senator Haley.

SB 10, AN ACT concerning openness in government; amending K.S.A. 2012 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections, by Senator LaTurner.

SB 11, AN ACT concerning legislators; amending K.S.A. 46-232 and 46-246a and repealing the existing sections, by Senator LaTurner.

SB 12, 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, Hawk, Holland, Kelly and Pettey.

SB 13, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Hawk, Holland, Kelly and Pettey.

SB 14, AN ACT concerning certain state officers and employees; restricting outside employment, by Senators Hensley, Hawk, Kelly and Pettey.

SB 15, AN ACT concerning taxation; relating to the local ad valorem tax reduction fund; distribution to political subdivisions; amending K.S.A. 79-2961 and K.S.A. 2012 Supp. 79-2959 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Hawk, Holland and Kelly.

SENATE CONCURRENT RESOLUTION No. 1601

By Senator King

A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 3 of the constitution of the state of Kansas is hereby amended to read as follows:

"Article 3.—JUDICIAL

"§ 1. Judicial power; seals; rules. The judicial power of this state shall be vested exclusively in one court of justice, which shall be divided into one supreme court, one court of appeals, district courts, and such other courts as are provided by law; and all courts of record shall have a seal. The supreme court shall have general administrative authority over all courts in this state.

"§ 2. Supreme court. The supreme court shall consist of not less than seven justices who shall be selected as provided by this article. All cases shall be heard with not fewer than four justices sitting and the concurrence of a majority of the justices sitting and of not fewer than four justices shall be necessary for a decision. The term of office of the justices shall be six years except as hereinafter provided. The justice who is senior in continuous term of service shall be chief justice, and in case two or more have continuously served during the same period the senior in age of these shall be chief justice. A justice may decline or resign from the office of chief justice without resigning from the court. Upon such declination or resignation, the justice

who is next senior in continuous term of service shall become chief justice. During incapacity of a chief justice, the duties, powers and emoluments of the office shall devolve upon the justice who is next senior in continuous service.

"§ 3. Jurisdiction and terms. The supreme court shall have original jurisdiction in proceedings in quo warranto, mandamus, and habeas corpus; and such appellate jurisdiction as may be provided by law. It shall hold one term each year at the seat of government and such other terms at such places as may be provided by law, and its jurisdiction shall be co-extensive with the state.

"§ 4. Reporter; clerk. There shall be appointed, by the justices of the supreme court, a reporter and clerk of such court, who shall hold their offices two years, and whose duties shall be prescribed by law.

"§ 5. Selection of justices of the supreme court. (a) (1) Any vacancy occurring in the office of any justice of the supreme court and any position to be open on the supreme court as a result of enlargement of such court, or the retirement or failure of an incumbent to file such justice's declaration of candidacy to be retained in office as hereinafter required, or failure of a justice to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or position opens on the supreme court, the clerk of the supreme court shall promptly give notice to the governor.

(3) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(4) Whenever a vacancy in the office of justice of the supreme court exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of justice of the supreme court until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered

by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each justice of the supreme court appointed pursuant to subsection (a) and consented to pursuant to subsection (b) 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 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any justice of the supreme court, the justice may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the justice shall be vacant upon the expiration of the justice's term of office. If such declaration is filed, the 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), Justice of the Supreme Court, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the justice in office, the position which the justice holds shall be vacant upon the expiration of the justice's term of office. Otherwise, unless the justice is removed for cause, the justice shall remain in office for the regular term of six years from the second Monday in January following the election. At the expiration of each term, unless by law the justice is compelled to retire, the justice shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the justice's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such justice who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of justice of the supreme court prior to the expiration of six years after the expiration of the justice's term of office.

"§ 6 Court of appeals. (a) (1) The court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Any vacancy occurring in the office of any judge of the court of appeals and any position to be open on the court of appeals as a result of enlargement of such court, or the retirement or failure of an incumbent to file such judge's declaration of candidacy to be retained in office as hereinafter required, or failure of a judge to be elected to be retained in office, shall be filled by appointment by the governor, with the consent of the senate, of a person possessing the qualifications of office.

(2) Whenever a vacancy occurs, will occur or position opens on the

court of appeals, the clerk of the supreme court shall promptly give notice to the governor.

(3) In event of the failure of the governor to make the appointment within 60 days from the date such vacancy occurred or position became open, the chief justice of the supreme court, with the consent of the senate, shall make the appointment of a person possessing the qualifications of office.

(4) Whenever a vacancy in the office of judge of the court of appeals exists at the time the appointment to fill such vacancy is made pursuant to this section, the appointment shall be effective at the time it is made, but where an appointment is made pursuant to this section to fill a vacancy which will occur at a future date, such appointment shall not take effect until such date.

(b) No person appointed pursuant to subsection (a) shall assume the office of judge of the court of appeals until the senate, by an affirmative vote of the majority of all members of the senate then elected or appointed and qualified, consents to such appointment. The senate shall vote to consent to any such appointment not later than 60 days after such appointment is received by the senate. If the senate is not in session and will not be in session within the 60-day time limitation, the senate shall vote to consent to any such appointment not later than 20 days after the senate begins its next session. In the event a majority of the senate does not vote to consent to the appointment, the governor, within 60 days after the senate vote on the previous appointee, shall appoint another person possessing the qualifications of office and such subsequent appointment shall be considered by the senate in the same procedure as provided in this article. The same appointment and consent procedure shall be followed until a valid appointment has been made. No person who has been previously appointed but did not receive the consent of the senate shall be appointed again for the same vacancy. If the senate fails to vote on an appointment within the time limitation imposed by this subsection, the senate shall be deemed to have given consent to such appointment.

(c) (1) Each judge of the court of appeals appointed pursuant to subsection (a) and consented to pursuant to subsection (b) 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 12 months in office.

(2) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall (Here insert name of judge.), Judge of the Court of Appeals, be retained in office?"

(3) If a majority of those voting on the question vote against retaining the judge in office, the position which the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for the regular term of four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge shall be eligible for retention in office by election in the manner prescribed in this section.

(4) If a majority of those voting on the question vote against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.

(d) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(e) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 7. District courts. (a) The state shall be divided into judicial districts as provided by law. Each judicial district shall have at least one district judge. The term of office of each judge of the district court shall be four years. District court shall be held at such times and places as may be provided by law. The district judges shall be elected by the electors of the respective judicial districts unless the electors of a judicial district have adopted and not subsequently rejected a method of nonpartisan selection. The legislature shall provide a method of nonpartisan selection of district judges and for the manner of submission and resubmission thereof to the electors of a judicial district. A nonpartisan method of selection of district judges may be adopted, and once adopted may be rejected, only by a majority of electors of a judicial district voting on the question at an election in which the proposition is submitted. Whenever a vacancy occurs in the office of district judge, it shall be filled by appointment by the governor until the next general election that occurs more than 30 days after such vacancy, or as may be provided by such nonpartisan method of selection.

(b) The district courts shall have such jurisdiction in their respective districts as may be provided by law.

(c) The legislature shall provide for clerks of the district courts.

(d) Provision may be made by law for judges pro tem of the district court.

(e) The supreme court or any justice thereof shall have the power to assign judges of district courts temporarily to other districts.

(f) The supreme court may assign a district judge to serve temporarily on the supreme court.

(g) The supreme court or the court of appeals may assign a district judge to serve temporarily on the court of appeals.

"§ 8. Qualifications of justices and judges. Justices of the supreme

court, judges of the court of appeals and judges of the district courts shall be at least 30 years of age and shall be duly authorized by the supreme court of Kansas to practice law in the courts of this state and shall possess such other qualifications as may be prescribed by law.

"§ 9. Prohibition of political activity by justices and certain judges.

No justice of the supreme court who is appointed or retained under the procedure of section 5 of this article, nor any judge of the court of appeals who is appointed or retained under the procedure of section 6 of this article, nor any judge of the district court holding office under a nonpartisan method authorized in subsection (a) of section 7 of this article, shall directly or indirectly make any contribution to or hold any office in a political party or organization or take part in any political campaign.

"§ 10. Extension of terms until successor qualified. All judicial officers shall hold their offices until their successors shall have qualified.

"§ 11. Compensation of justices and judges; certain limitation. The justices of the supreme court, judges of the court of appeals and judges of the district courts shall receive for their services such compensation as may be provided by law, which shall not be diminished during their terms of office, unless by general law applicable to all salaried officers of the state. Such justices or judges shall receive no fees or perquisites nor hold any other office of profit or trust under the authority of the state, or the United States except as may be provided by law, or practice law during their continuance in office.

"§ 12. Removal of justices and judges. Justices of the supreme court may be removed from office by impeachment and conviction as prescribed in article 2 of this constitution. In addition to removal by impeachment and conviction, justices may be retired after appropriate hearing, upon certification to the governor, by the supreme court that such justice is so incapacitated as to be unable to perform adequately such justice's duties. Other judges shall be subject to retirement for incapacity, and to discipline, suspension and removal for cause by the supreme court after appropriate hearing.

"§ 13. Savings clause. Nothing contained in this amendment to the constitution shall: (a) Shorten the term of office or abolish the office of any justice of the supreme court, any judge of the court of appeals, any judge of the district court, or any other judge of any other court who is holding office at the time this amendment becomes effective, or who is holding office at the time of adoption, rejection, or resubmission of a nonpartisan method of selection of district judges as provided in subsection (a) of section 7 of this article, and all such justices and judges shall hold their respective offices for the terms for which elected or appointed unless sooner removed in the manner provided by law; (b) repeal any statute of this state relating to the supreme court, the supreme court nominating commission, the court of appeals, district courts, or any other court, or relating to the justices or judges of such courts, and such statutes shall remain in force and effect until amended or repealed by the legislature."

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 place the law concerning the court of appeals into the constitution and to do away with the supreme court nominating commission. The governor will appoint a qualified person, or if the governor fails to act, the chief justice of the supreme court would appoint a qualified person, and such person's appointment would be required to be confirmed by the senate. A procedure is established whereby senate confirmation would occur within 60 days of receiving the appointment. If the senate does not confirm the appointment a majority vote, the governor would then appoint another qualified person, and such person's appointment would again go to the senate for confirmation. The same appointment and confirmation procedure would be followed until a valid appointment is made. If the senate fails to vote on an appointment within 60 days, it will be considered that the senate has confirmed the appointment.

"A vote for this proposition would provide a procedure whereby the governor or chief justice would appoint a person to be a supreme court justice or court of appeals judge and the senate, by majority vote, would confirm the appointment of the supreme court justice or court of appeals judge.

"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 or court of appeals 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 election in August in the year 2014 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.

SENATE CONCURRENT RESOLUTION No. 1602

By Senator LaTurner

A PROPOSITION to amend section 2 of article 2 of the constitution of the state of Kansas, relating to senators and representatives.

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 2 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 2. Senators and representatives. (a) 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.

(b) (1) *From and after January 12, 2015, no individual shall be elected as a representative for more than a total aggregate of four two-year terms during the individual's lifetime.*

(2) *From and after January 12, 2015, no individual shall be elected as a senator for more than a total aggregate two four-year terms during the individual's lifetime.*

(3) *For the purpose of computing the aggregate time period in either paragraph (1) or (2) of this subsection, no time served as either a senator or representative prior to January 12, 2015, shall be counted."*

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. This amendment would limit any individual's service as a state representative elected after January 12, 2015, to a total of four two-year terms during the individual's lifetime regardless of when such service occurs. This amendment would limit any individual's service as a state senator elected after January 12, 2015, to a total of two four-year terms during the individual's lifetime regardless of when such service occurs.

"A vote for this proposition favors limiting the amount of time that an individual can serve as a member of the house of representatives elected after January 12, 2015, to an aggregate total of four two-year terms during the individual's lifetime and also limiting the amount of time that an individual can serve as a member of the senate elected after January 12, 2015, to an aggregate total of two four-year terms during the individual's lifetime.

"A vote against this proposition favors retaining current constitutional provisions relating to the number of senators and legislators' terms. "

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2014 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.

COMMUNICATION FROM STATE OFFICERS

January 14, 2013

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

Dear President Wagle:

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 2012 Regular Session of the Legislature:

State of Utah provided an enrolled copy of a Joint Legislative Resolution on Federal Transfer of Public lands from the 2012 General Legislative Session.

State of New Hampshire provided a copy of House Concurrent Resolution 40 petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States that the federal budget be balanced. Also, House Concurrent Resolution 42 supporting the preservation of the electoral college. Also, House Resolution 21 requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties.

Office of the State Fire Marshal submitted a report on the effectiveness of K.S.A. 31-603 and legislative recommendations to improve the effectiveness of the Fire Safety Standard and Firefighter Protection Act, K.S.A. 31-601 et seq.

Department of Administration submitted the 58th Annual Financial Report of the State of Kansas for the fiscal year ending June 30, 2011.

The Attorney General submitted the 2010 Annual Report of the Crime Victims Compensation Board.

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

The Attorney General submitted the 2012 Annual Report of the Crime Victims Compensation Board.

The Kansas Department of Health and Environment submitted the Treece Relocation Assistance Project Monthly Expenditure/Income Report for the October 2012 reporting period in accordance with K.S.A. 49-5120(h).

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The Kansas Department of Corrections submitted the Annual Report for the Prisoner Review Board.

The Attorney General submitted the 2012 Kansas State Child Death Review Board Annual Report.

The Kansas Health Information Exchange Board of Directors submitted their first annual report.

The Kansas Public Employees Retirement System submitted the 2012 Comprehensive Annual Financial Report.

The Justice Reinvestment Working Group submitted the 2013 Report.

The Pooled Money Investment Board submitted their Annual Report for Fiscal Year 2012.

The Kansas State Treasurer's Office submitted the 2011 Annual Report for the Treasurer's Office.

Sincerely,

Diane Minear
Secretary of the Senate

January 14, 2013

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

Dear President Wagle:

As provided in K.S.A. 75-105, I have received from the Honorable Sam Brownback, Governor of the State of Kansas, since the adjournment of the 2012 session of the legislature the following communications:

Executive Directives Nos. 12-430, 12-431, 12-432, 12-433, 12-434, 12-435, 12-436 and 12-437, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds.

Also, Executive Order No. 12-08, declaring a Drought Watch or Drought Warning replacing Executive Order 12-07 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Executive Order No. 12-09, approving the June 2012 Operations Plan for the Governor's Drought Response Team and order implementation of the Operation Plan by the various state agency members of the Governor's Drought Response Team as stated in the Operations Plan.

Executive Order No. 12-10, declaring a Drought Warning or Drought Emergency and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Executive Order No. 12-11, declaring a state of emergency exists in Kansas and declaring it necessary to assist and expedite all disaster recovery efforts to provide assistance to the citizens of Kansas. This executive order supersedes Executive Order 12-06.

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,

Diane Minear
Secretary of the Senate

SENATE CONCURRENT RESOLUTION No. 1603

By Senators Wagle, Bruce and Hensley

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

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

On emergency motion of Senator Bruce **SCR 1603** was adopted unanimously.

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

SENATE RESOLUTION No. 1703

A RESOLUTION congratulating Senator and Mrs. Ostmeyer
on their 50th wedding anniversary.

WHEREAS, The year 2012 marks Senator Ostmeyer's 50th wedding anniversary to his wife, Kay; and

WHEREAS, Senator and Kay Ostmeyer were married on August 4, 1962, in Grinnell, Kansas; and

WHEREAS, Senator Ostmeyer has served in the Kansas Legislature for 12 years, including two terms in the House of Representatives and two terms in the Senate; and

WHEREAS, Senator and Kay Ostmeyer reside in Grinnell, Kansas, and work as fourth generation farmers and ranchers. Mrs. Ostmeyer has been dedicated to raising their children and playing the organ at their community church; and

WHEREAS, Together, Senator and Kay Ostmeyer have seven children, including three sons: Terry, Troy, and Jeff, and four daughters: Cindy Schrader, Chris Niblock, Shirley Elton and Jennifer Ostmeyer. The Ostmeyers also have 18 grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Senator and Kay Ostmeyer on their 50th wedding anniversary and wish them many more happy years together.

Be it further resolved: That the Secretary of the Senate be directed to provide eight enrolled copies of this resolution to Senator Ostmeyer, one for the Ostmeyers and one for each of their seven children.

On emergency motion of Senator Bruce **SR 1703** was adopted unanimously.

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

SENATE RESOLUTION No. 1704

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2013 regular session of the Legislature.

Be it resolved by the Senate of the State of Kansas: The following rules shall be the rules of the Senate for the terms of the Senators commencing with the 2013 regular session of the Legislature.

RULES OF THE SENATE 2013-2016

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

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

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

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

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.

8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

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

(1) Time of Meeting. Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

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

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

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

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

(5) Quorum and Roll. There shall be no requirement for a quorum or taking of the roll. No

demand for a roll call for a quorum shall be in order.

(6) Effect of Certain Rules. If a legislative day referred to in Rule 11, 12, 28, 32, 33, 53, 56, 68 or 69 occurs on a legislative day which is also the day on which a Session Proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the Session Proforma is held.

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

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

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

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

which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee.

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

The following shall be the other standing committees:

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

The president of the Senate, with the advice of the majority leader and the vice president of the Senate, 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.

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

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

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 within 14 session days or by sine die adjournment. 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 number of votes for and against the action as a part of the minutes.

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

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

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

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

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

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

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

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

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

Rule 18. Explaining Votes. Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to

adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words.

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

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

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

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

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

(d) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

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

Rule 22. Party Affiliation – Change. If any Senator changes political party affiliation (1) from the political party of such Senator at the time of the Senator's election, or (2) if the Senator was appointed, from the political party of the district

convention which elected such person to be so appointed, the following shall apply:

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

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

Rule 23. Open Meetings Provisions. The open meeting law (K.S.A. 75-4317 et seq., and amendments thereto) shall apply to meetings of the Senate and all of its standing committees, select committees, special committees and subcommittees of any of such committees. Caucuses of Senate majority and minority parties and meetings of the Committee on Organization, Calendar and Rules and its subcommittees may be closed.

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

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

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

Not Debatable

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

Debatable

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

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

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

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

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

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

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

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

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

Rule 32. Reference of Bills and Resolutions. All bills shall be referred or rereferred to appropriate standing committees, special or select committees appointed under Rule 8 or the Committee of the Whole by the President. Upon the day of its introduction or upon the next legislative day, the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole. Bills or resolutions prefiled under K.S.A. 46-801 et seq., and amendments thereto, may be referred by the President to the appropriate standing committee, special or select committees appointed under Rule 8 or the Committee of the Whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the

Committee of the Whole; otherwise to the appropriate standing committee or special or select committees appointed under Rule 8. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees or special or select committees appointed under Rule 8, or any combination thereof, jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

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

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

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

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

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

Rule 38. Call of Senate – When Made – How Enforced. A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed, and direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reprovved by the President for the neglect of duty.

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

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

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

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

Rule 43. How Bills or Resolutions Considered – Committee of the Whole. Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall

announce "Amendments to the bill (or resolution) generally are in order," and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

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

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

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

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

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

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

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

officers of the Senate and House.

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

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

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

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

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

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

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

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

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

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

This rule shall not apply to resolutions relating to the business of the day, nor to

resolutions for organization or adjournment.

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

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

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

Rule 58. Electronic Devices; Photographic Record of Vote. The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except

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

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

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

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

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

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

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

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

Rule 63. Sergeant at Arms – Duties. The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The

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

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

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

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

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

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

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

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

Rule 69. Amendments to Rules. No rule of the Senate shall be adopted, amended or revoked without a 2/3 affirmative vote of all members of the Senate then elected (or

appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is e-mailed to each Senator not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of e-mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

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

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

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

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

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

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. _____," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

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

Rule 73. Subject Change by Senate. Whenever an amendment adopted by the

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

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

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

Rule 76. Executive Reorganization Orders. When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

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

censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a 2/3 majority vote of those members elected (or appointed) and qualified.

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

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

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

SENATE CONCURRENT RESOLUTION No. 1604

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the following joint rules shall be the joint rules of the Senate and House of Representatives for the 2013-2014 biennium.

JOINT RULES OF THE SENATE AND
HOUSE OF REPRESENTATIVES

2013-2014

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

(b) *Amendment, suspension or revocation of joint rules; previous notice; vote required.* After one day's previous notice, joint rules may be amended, suspended or revoked by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house. Upon the filing of such notice in either house, a message shall be sent to the other house advising of the filing of such notice and the reading of the message shall constitute notice to the members of such house. If such previous notice is not given, the affirmative vote of 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 February 4, 2013, during the 2013 regular session and on February 3, 2014, during the 2014 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 13, 2013, during the 2013 regular session and on February 12, 2014, during the 2014 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 11, 2013, during the 2013 regular session and on February 10, 2014, during the 2014 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so

authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 15, 2013, during the 2013 regular session and on February 14, 2014, during the 2014 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on March 1, 2013, during the 2013 regular session and on February 28, 2014, during the 2014 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 27, 2013, during the 2013 regular session and March 26, 2014, during the 2014 regular session.

(g) *Exceptions to limitation of (d), (e) and (f); procedure.* Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

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

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

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

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 5, 2013, during the 2013 regular session and after April 4, 2014, during the 2014 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

Joint rule 5. Closure of meetings to consider matters relating to security. Any standing committee of the House of Representatives, any standing committee of the Senate, the Legislative Coordinating Council, any joint committee of both houses of the legislature, any special or select committee of the House of Representatives or the Senate, the House of Representatives in session, the Senate in session or a joint session of the House of Representatives and the Senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the State of Kansas.

REPORTS OF STANDING COMMITTEES

Committee on **Confirmation Oversight** begs leave to submit the following report:

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

By the Governor:

University of Kansas Hospital Authority: K.S.A. 2012 Supp. 76-3304

Monte Coffman, Seat 18, term expires March 15, 2015

Dave Kerr, Seat 19, term expires March 15, 2014

Kansas Electric Transmission Authority: K.S.A. 2012 Supp. 74-99d01

Les Evans, term expires March 15, 2016

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

Shari Feist-Albrecht, term expires March 15, 2016

Employment Security Board of Review: K.S.A. 2012 Supp. 44-709(f)

Lori MacDonald, term expires March 15, 2014

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

Paul Eugene Beck, term expires January 15, 2013

Kevin Mark Smith, term expires January 15, 2013

Samantha Angell, term expires January 15, 2015

Racing and Gaming Commission: K.S.A. 74-8803

Eileen King, term expires January 15, 2016

David Moses, term expires January 15, 2016

State Civil Service Board: K.S.A. 75-2929a

Sue Christopher, term expires March 15, 2013

Pooled Money Investment Board: K.S.A. 75-4221a

Eric Meyers, term expires March 15, 2016

State Banking Board: K.S.A. 74-3004

Richard Fish, term expires March 15, 2015

Dale Koch, term expires March 15, 2015

James Needham, term expires March 15, 2015

Kansas National Guard: K.S.A. 2012 Supp. 48-208

Colonel Scott Dold, Brigadier General, serves at the pleasure of the Governor

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

Melvin Neufeld, term expires January 15, 2016

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

Rick Cox, term expires March 15, 2014

State Fire Marshal: K.S.A. 2012 Supp. 75-1510

Douglass Jorgensen, serves at the pleasure of the Governor

Kansas Public Employees Retirement Board of Trustees: K.S.A. 74-4905

Lois Cox, term expires January 15, 2013

By the Speaker of the House:

Kansas Bioscience Authority: K.S.A. 2012 Supp. 74-99b04

Robert Smith, term expires March 15, 2015

By the House Minority Leader:

Kansas Bioscience Authority: K.S.A. 2012 Supp. 74-99b04

S.J. Schaub, term expires March 15, 2014

By the Secretary of the Department of Revenue:

Alcoholic Beverage Control Director: K.S.A. 2012 Supp. 75-5117

Dean Reynoldson, serves at the pleasure of the Secretary of the Department of Revenue

By the Department of Health and Environment:

Inspector General: K.S.A. 2012 Supp. 75-7427

Bill Gale, serves at the pleasure of the Department of Health and Environment

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:

Ray Merrick, Speaker

Peggy Mast, Speaker Pro Tem,

Jene Vickrey, Majority Leader,

Paul Davis, Minority Leader

Susan Kannarr, Chief Clerk

Wayne Owen, Sergeant at Arms,

and await the pleasure of the Senate.

Announcing adoption of **HCR 5001**, 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 for the purpose of hearing a message from the Supreme Court. The following escorts are appointed for the State of the State:

To escort the Governor: Reps. Weber, Hoffman and Dillmore

to escort the Lt. Governor: Reps. Kinzer, DeGraaf and Frownfelter

to escort the Supreme Court: Reps. Siegfried, Kleeb and Trimmer

to escort the Senators: Reps. Hermanson, Proehl and Winn

On motion of Senator Bruce, an emergency was declared, the rules suspended and **HCR 5001** was adopted by voice vote.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 15, 2013.

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 15, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
President Wagle introduced the new Senate Chaplain, Father Don Davidson. Father Davidson is with St. David's Episcopal Church in Topeka.
Invocation by Senate Chaplain, Father Davidson.

"Know that the Lord does wonders for the faithful
When I call upon the Lord, he will hear me." (Psalm 4)
We thank you Lord as we gather this day, the wonder of a new year still in the air, the hope, the potential and the possibilities give us confidence of what can be.
In our many different ways, help us to serve, to care and give us your peace in the work ahead.
Hear us in this prayer O Lord. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 16, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; relating to criminal street gangs; forfeiture; amending K.S.A. 2012 Supp. 21-5302, 21-6313 and 60-4104 and repealing the existing sections, by Committee on Judiciary.

SB 17, AN ACT concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 2012 Supp. 21-5512 and repealing the existing section, by Committee on Judiciary.

SB 18, AN ACT concerning civil procedure; relating to restraining orders; amending K.S.A. 60-903 and repealing the existing section, by Committee on Judiciary.

SB 19, AN ACT concerning crimes and punishments; relating to mistreatment of a dependent adult; amending K.S.A. 2012 Supp. 21-5417 and repealing the existing section, by Committee on Judiciary.

SB 20, AN ACT concerning civil procedure; relating to docket fees and costs; poverty affidavit; amending K.S.A. 2012 Supp. 60-2001 and repealing the existing section, by Committee on Judiciary.

SB 21, AN ACT concerning firearms; relating to definition of firearm; criminal possession of a firearm by a convicted felon; expungement; relating to the personal and family protection act; amending K.S.A. 2012 Supp. 12-16,124, 21-5111, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-7c07 and 75-7c25 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 22, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 23, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 15**.

Commerce: **SB 5**.

Ethics, Elections and Local Government: **SB 11, SB 12, SB 13, SB 14; SCR 1602**.

Federal and State Affairs: **SB 7, SB 10**.

Judiciary: **SB 4, SB 6, SB 8; SCR 1601**.

Public Health and Welfare: **SB 3, SB 9**.

Ways and Means: **SB 1, SB 2**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS ATTORNEY GENERAL

January 14, 2013

Kansas Attorney General Derek Schmidt submitted the 2012 annual report for the Abuse, Neglect and Exploitation Unit.

Also submitted by Kansas REAP was the Kansas Affordable Program Fiscal Year 2013 Financial Status Report.

KANSAS CORPORATION COMMISSION

January 14, 2013

Executive Director Patti Petersen-Klein, submitted a report on the Remediation Site Status Report and the Conservation Division Abandoned Oil & Gas Well Status Report.

In addition, Executive Director Petersen-Klein submitted a copy of the 2013 Broadband Service Report, a summary of Broadband availability and adoption in Kansas as of June 30, 2011.

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

CONSIDERATION OF APPOINTMENTS

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

Senator Bruce moved the following appointments be confirmed as recommended by the **Confirmation Oversight Committee**:

By the Governor

On the appointment to the:

Kansas Public Employees Retirement Board of Trustees:

Lois Cox, Term expires 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

The appointment was confirmed.

State Board of Indigents Defense Services:

Paul Eugene Beck, Term expires 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

The appointment was confirmed.

State Board of Indigents Defense Services:

Kevin Mark Smith, Term expires 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Lynn.

The appointment was confirmed.

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1603**, 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 Weber, Hoffman and Finney as members of the committee to wait upon the Governor.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

SR 1704, A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2013 regular session of the Legislature.

In compliance with Senate Rule 69, Senator Bruce noted that copies of an explanation of Senate Rule 69 had been laid on the desks of all the senators on Monday, January 14, and now was the time for discussion. Senator King explained the rules and asked if there were questions before voting on the rule.

SR 1704 be amended by motion of Senator Holland on page 4, in line 34, following "adjournment" by inserting ", whichever is earlier" and the amendment was adopted by voice vote.

On emergency motion of Senator Bruce **SR 1704**, as amended was advanced to final action and roll call:

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

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

Absent or Not Voting: Lynn.

The resolution was adopted as amended.

On motion of Senator Bruce, the Senate recessed until 5:45 p.m., at which time they gathered for the Governor's State of the State address delivered in the House of Representatives.

On motion of Senator Bruce the Senate adjourned until 2:30 p.m., Wednesday, January 16, 2013.

Journal of the Senate

THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 16, 2013, 2:30 p.m.

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

Heavenly Father,
In You we live and move and have our being: We humbly pray You to guide and govern us that in all the cares and occupations of our life we may not forget You but be guided by You. Bless the work of this chamber that it may serve to honor You and your precious children.
In Your holy name we pray. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 24, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurance companies; amending K.S.A. 2012 Supp. 40-2c01 and 40-2c05 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 25, AN ACT concerning insurance; relating to risk-based capital requirements for health organizations; amending K.S.A. 40-2d05 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 26, AN ACT concerning insurance; relating to line of insurance and reporting requirements; amending K.S.A. 2012 Supp. 40-4903 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 27, AN ACT concerning the military service scholarship program act; relating to qualified students; amending K.S.A. 2012 Supp. 74-32,228 and repealing the existing section, by Legislative Educational Planning Committee.

SB 28, AN ACT authorizing the division of emergency management within the adjutant general's department to accept certain real property, by Committee on Federal and State Affairs.

SB 29, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2012 Supp. 22-4606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 30, AN ACT concerning the uniform consumer credit code; relating to payday loans; amending K.S.A. 16a-2-404 and repealing the existing section, by Committee on Federal and State Affairs.

SB 31, AN ACT concerning certain employee organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section, by Committee on Commerce.

SB 32, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2014, for the department of health and environment; relating to the local environmental protection programs, by Committee on Legislative Budget.

SB 33, AN ACT concerning elections; concerning citizenship requirements; amending K.S.A. 2012 Supp. 25-2309 and 65-2418 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 34, AN ACT concerning the commission on emergency planning and response; membership; amending K.S.A. 2012 Supp. 65-5721 and repealing the existing section, by Committee on Federal and State Affairs.

SB 35, AN ACT concerning alcoholic beverages; relating to the employment of certain individuals by licensees under the club and drinking establishment act; amending K.S.A. 41-2610 and repealing the existing section, by Committee on Federal and State Affairs.

SB 36, AN ACT concerning alcoholic beverages; relating to clubs and drinking establishments; permitting tastings on the licensed premises; amending K.S.A. 2012 Supp. 41-2637, 41-2640, 41-2641 and 41-2642 and repealing the existing sections, by Committee on Federal and State Affairs.

SCR 1605, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the Judiciary, by Committee on Judiciary.

APPOINTMENT TO COMMITTEE

Vice President King announced the appointment of Senator Masterson to the Rules Committee.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 22**, **SB 23**.

Federal and State Affairs: **SB 21**.

Judiciary: **SB 16**, **SB 17**, **SB 18**, **SB 19**, **SB 20**.

REPORT ON ENROLLED BILLS

SR 1701, **SR 1702**, **SR 1703** reported correctly enrolled and properly signed and presented to the Secretary of the Senate on January 16, 2013.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

On motion of Senator Bruce, **SCR 1604**, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium, was considered.

SCR 1604 be amended by motion of Senator Donovan on page 6, in line 40, following "senate," by inserting "the committee on assessment and taxation of the senate,";

On page 7, in line 7, following "senate," by inserting "the committee on assessment and taxation of the senate,"; in line 15, following "senate," by inserting "the committee on assessment and taxation of the senate,"; in line 23, following "senate," by inserting "the committee on assessment and taxation of the senate," and the amendment by Senator Donovan was adopted.

SCR 1604 be further amended by motion of Senator Masterson on page 8, following line 31, by inserting: ". Unless by majority consent to correct an error in drafting, no amendment from the floor in either house of the legislature to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Notwithstanding any rule in either house of the legislature, those portions of a motion to amend a bill as described in this rule shall be indivisible", and the amendment by was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1604, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium, was advanced to Final Action and roll call.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: Faust-Goudeau.

The concurrent resolution was adopted.

EXPLANATION OF VOTE

Mr. Vice President: The Pay-Go amendment to **Senate Concurrent Resolution 1604** is designed to limit the ability of senators to represent their constituents without injuring the constituents of other senators. Each of the duly elected senators has a right to seek the aid of every other senator.

This amendment basically provides six individuals on the Senate Ways and Means Committee to determine overall spending and eliminate the rights of the individual senators and their constituents. – JAY SCOTT EMLER

Mr. Vice President: I oppose the Pay-Go amendment that was added to **SR 1604**. I strongly believe that it limits each Senator's ability to represent their constituents and districts. I'm especially concerned about the discussion on limiting "Gotcha Votes." To adopt an amendment based on position in the next election over good public policy leads us to a path similar to Congress. I believe in the process and respect the majority vote and found no reason to vote no on the underlying bill. – JEFF LONGBINE

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 17, 2013.

Journal of the Senate

FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 17, 2013, 2:30 p.m.

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

Heavenly Father,

We give you thanks most gracious God for the beauty of the earth, sky and sea; for the richness of the plains and rivers; for the songs of the birds and for the loveliness of flowers. We praise you for these good gifts and though we are often so busy we may not notice, we thank you for the wonder of your creation.

In the name of our Creator. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Longbine recognized the Flint Hills Regional Leadership class from Geary, Riley and Pottawatomie counties.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 37, AN ACT concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2012 Supp. 58-4501 and repealing the existing section, by Committee on Commerce.

SB 38, AN ACT concerning elections, dealing with advance voting; amending K.S.A. 25-1136 and repealing the existing section, by Senator V. Schmidt.

SB 39, AN ACT concerning crimes, criminal procedure and punishment; relating to unlawful possession of prescription drugs; amending K.S.A. 2012 Supp. 21-5708 and repealing the existing section, by Committee on Judiciary.

SB 40, AN ACT concerning crimes, criminal procedure and punishment; relating to DNA evidence; amending K.S.A. 21-2512 and repealing the existing section, by Committee on Judiciary.

SB 41, AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing; relating to possession of a firearm during a drug crime; amending K.S.A. 2012 Supp. 21-6805 and repealing the existing section, by Committee on Judiciary.

SB 42, AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing; relating to possession of a firearm during a drug crime; amending K.S.A.

2012 Supp. 21-6805 and repealing the existing section, by Committee on Judiciary.

SB 43, AN ACT concerning water; relating to the Kansas water office; comprehensive plan, by Joint Committee on Energy and Environmental Policy.

SB 44, AN ACT concerning school districts; relating to the identification and instruction of pupils with dyslexia, by Senator Abrams.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 31**.

Ethics, Elections and Local Government: **SB 33**.

Federal and State Affairs: **SB 28, SB 34, SB 35, SB 36**.

Financial Institutions and Insurance: **SB 24, SB 25, SB 26, SB 30**.

Judiciary: **SB 29; SCR 1605**.

Ways and Means: **SB 27, SB 32**.

REPORT ON ENGROSSED BILLS

SCR 1603 reported correctly engrossed January 17, 2013.

REPORT ON ENROLLED BILLS

SCR 1603 reported correctly enrolled, properly signed and presented to the Secretary of State on January 17, 2013.

SR 1704 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 17, 2013.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, January 18, 2013.

Journal of the Senate

FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 18, 2013, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-seven senators present.
Senators Donovan, LaTurner and Masterson were excused.
Invocation by Father Don Davidson:

Dear Lord:
You may have noticed that my words do not always rhyme
A gift I was not given in my time.
Yet this prayer is said however improbable
As a tribute to the incomparable.
Brother Fred's words expressed God's Love
So every day was greeted with a word from above.
Thank you Lord for our Chaplain's skill at the poetic
And be assured that such attempt by me will be quite sporadic.
In Jesus Name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 45, AN ACT concerning the use of state appropriated moneys, by Committee on Federal and State Affairs.

SB 46, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2012 Supp. 65-2921 and repealing the existing section, by Committee on Public Health and Welfare.

SB 47, AN ACT concerning crimes, criminal procedure and punishment; relating to identity theft; relating to unlawful acts concerning computers; amending K.S.A. 2012 Supp. 21-5839 and 21-6107 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 48, AN ACT concerning crimes, criminal procedure and punishment; relating to identity theft; relating to unlawful acts concerning computers; amending K.S.A. 2012 Supp. 21-5839 and 21-6107 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 49, AN ACT concerning boating and water activities; relating to boating under the influence; amending K.S.A. 32-1131 and repealing the existing section, by Committee on Natural Resources.

SB 50, AN ACT concerning boating and water activities; relating to boating safety education; amending K.S.A. 32-1139 and repealing the existing section, by Committee on Natural Resources.

SB 51, AN ACT concerning insurance for certain banker's associations; amending K.S.A. 40-2222 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 52, AN ACT concerning insurance for certain banker's associations; amending K.S.A. 40-2222 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 53 AN ACT concerning employee privacy; relating to social media access by employers, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 37**.

Education: **SB 44**.

Ethics, Elections and Local Government: **SB 38**.

Judiciary: **SB 39, SB 40, SB 41, SB 42**.

Natural Resources: **SB 43**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 22, 2013.

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 22, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-nine senators present.

Senator Pettey was excused.

Invocation by Father Don Davidson:

Heavenly Father,

We thank you today for the life, words, work and ministry of Martin Luther King who said, "I have decided to stick with love. Hate is too great a burden to bear." Martin Luther King raised the common conscience of a nation reminding us that there is one God and that no matter how we differ, we are all God's children. Help us to consider his life, the tragedy of his death, the enormity of his legacy and the gifts he has left for us and for our children.

Thank you Lord, Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

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

Madame President; Gentle Colleagues of the Kansas Senate: Thank you for allowing these, my annual remarks (now, 19th Legislative observation) of the Martin Luther King, Junior Holiday, to be spread upon the Journal. However, this is the first time that this salute has followed, not preceded, the holiday. I appreciate those of you of the Chamber who commented to me. And Madame President and fellow members, here's why ...

Wherever you fall across the political diaspora that's the multi-hued patchwork quilt of our great democracy, by any account yesterday, Monday, January 21, 2013, was an extraordinary day for the United States of America. I mean, here we have the holiday bearing the name of an American who just wanted to insure that justice and equal access and life and liberty and the pursuit of happiness and all of those inalienable rights imagined in our federal Constitution and in subsequent defining papers like the Bill of Rights, that these ideals would not be the sole province of one race or one culture or one religion or one political persuasion or one gender (well, maybe one gender Madame President, but a much deserved subsequent Amendment changed all that!) but that's the beauty and the bounty of being American and should belong to ALL Americans, irrespective of other pre-existing or adopted conditions that might repress or divide us.

Then, of course, on the same day as the Martin Luther King federal holiday, our Nation and our world saw the President of these United States, the most powerful man of the most powerful country on the planet Earth today, inaugurated to a second term of office. When President Barack H. Obama, an American of a decidedly distinct hue and tone from that of his every predecessor, spoke to the Nation during the Inaugural Address, it was an epiphany; a remarkable intertwining of kismet that we, as a great country, are perhaps never likely to see again.

The vision of the framers of our Constitution was once again lived out and on the very day that celebrates and remembers the struggles of but some of the tireless advocates who worked to see it! Extraordinary!

And so, the true meaning of the King Holiday I once again implore this body ... this body and those here gathered to foster and to inculcate in your being throughout the year. We are an inclusive America. We are a broad America. We are the greatest country in the world. And the pinnacle of our strength, like a rope, is composed of many different fibers intertwined. We should share that diversity and celebrate it.

U.S. Senator Lamar Alexander (R-Tennessee) quoted my late uncle, ROOTS author Alex Haley, in his Inaugural Remarks yesterday. Uncle Alex often said "Find the good, and praise it." Isn't it good that we are all, as Americans, able to reach towards points of true freedom? Isn't it good that fewer Americans are dividing ourselves by race or by religion or by culture or creed or, MADAME President, by GENDER. Each American is being judged now by ability or by character instead in OUR proud time?

It IS good, Madame President. It IS the enduring aspiration of America, fellow Senators. So, Let's praise it!

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 54, AN ACT concerning the state board of technical professions; amending K.S.A. 74-7001, 74-7004, 74-7005, 74-7007, 74-7010, 74-7016, 74-7019, 74-7024, 74-7032, 74-7033, 74-7035, 74-7038, 74-7039, 74-7040 and 75-5802 and K.S.A. 2012 Supp. 19-216c, 19-1401a, 72-6760d, 74-7003, 74-7009, 74-7013, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036, 74-7046, 74-99b16, 75-1251, 75-37,142, 76-786 and 76-7,126 and repealing the existing sections; also repealing K.S.A. 74-7037 and 74-7042 and K.S.A. 2012 Supp. 74-7041, by Committee on Federal and State Affairs.

SB 55, AN ACT concerning the mortgage registration fee; relating to responsibility for payment of the mortgage registration fee; amending K.S.A. 79-3102 and repealing the existing section, by Committee on Assessment and Taxation.

SB 56, AN ACT concerning county fairs; transferring recognition of county fairs and fair associations from the secretary of agriculture to the board of county commissioners; amending K.S.A. 2012 Supp. 2-127, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d and 2-158 and repealing the existing sections, by Committee on Agriculture.

SB 57, AN ACT concerning agriculture; relating to animal health; poultry improvement; domesticated deer; amending K.S.A. 47-1704, 47-1712 and 47-1718 and K.S.A. 2012 Supp. 2-907, 47-1701, 47-1709, 47-1710, 47-1711, 47-1721, 47-1723, 47-1725, 47-1726, 47-1731 and 47-2101 and repealing the existing sections; also repealing K.S.A. 47-1717, 47-1732 and 47-1736 and K.S.A. 2012 Supp. 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672, 47-1701a, 47-1709a, 47-1725a and 47-2101a, by Committee on Agriculture.

SB 58, AN ACT concerning crimes, criminal procedure and punishment; relating to manufacture of methamphetamine; amending K.S.A. 2012 Supp. 21-5703 and 21-6805 and repealing the existing sections, by Committee on Judiciary.

SB 59, AN ACT concerning the attorney general; relating to payment of reward for persons providing certain information, by Committee on Judiciary.

SB 60, AN ACT concerning open records; relating to requests for criminal justice information; amending K.S.A. 2012 Supp. 45-220 and repealing the existing section, by Committee on Judiciary.

SB 61, AN ACT concerning crimes, punishment and criminal procedure; relating to human trafficking; human trafficking advisory board; establishing the human trafficking victim assistance fund; creating the crime of commercial sexual exploitation of a child; relating to selling sexual relations, promoting sexual relations, buying sexual relations; children in need of care; staff secure facilities; amending K.S.A. 22-2530 and K.S.A. 2012 Supp. 12-4106, 12-4120, 12-4516, 21-5301, 21-5302, 21-5303, 21-5401, 21-5502, 21-6419, 21-6420, 21-6421, 21-6614, 21-6626, 21-6627, 21-6806, 21-6815, 22-2515, 22-3601, 22-3717, 22-3901, 22-4902, 22-4906, 38-2202, 38-2231, 38-2232, 38-2242, 38-2243, 38-2255, 38-2312, 38-2361, 41-311, 41-2601, 60-4104 and 68-2255 and repealing the existing sections, by Committee on Judiciary.

SB 62, AN ACT concerning utilities; relating to the Kansas corporation commission; gas pipeline safety; amending K.S.A. 66-1,154 and 66-1,157a and K.S.A. 2012 Supp. 66-1,153 and repealing the existing sections, by Committee on Utilities.

SB 63, AN ACT concerning elections; relating to voting; regarding penalties for voting crimes; concerning prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp. 25-1128 and 25-2507 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 64, AN ACT concerning elections; relating to party affiliation; amending K.S.A. 25-3304 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1606

By Senator Pilcher-Cook

A CONCURRENT RESOLUTION honoring pregnancy maintenance resource centers in Kansas and across the United States.

WHEREAS, The life-affirming impact of pregnancy maintenance resource centers on the women, men, children and communities they serve is considerable and growing; and

WHEREAS, Pregnancy maintenance resource centers serve women in Kansas and across the United States with integrity and compassion; and

WHEREAS, More than 2,500 pregnancy maintenance resource centers across the United States provide comprehensive care to women and men facing unplanned pregnancies, including resources to meet their physical, psychological, emotional and spiritual needs; and

WHEREAS, Pregnancy maintenance resource centers offer women free, confidential and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, referrals to community, health care and support services; and

WHEREAS, Many medical pregnancy maintenance resource centers offer ultrasound and other medical services; and

WHEREAS, Many pregnancy maintenance resource centers provide information on adoption and adoption referrals to pregnant mothers; and

WHEREAS, Pregnancy maintenance resource centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn child; and

WHEREAS, Pregnancy maintenance resource centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes; and

WHEREAS, Pregnancy maintenance resource centers provide important support and resources for women who choose childbirth over abortion; and

WHEREAS, Pregnancy maintenance resource centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants; and

WHEREAS, Many pregnancy maintenance resource centers provide grief assistance for women and men who regret the loss of their children from past choices they have made; and

WHEREAS, Many pregnancy maintenance resource centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools; and

WHEREAS, Federal and state governments are increasingly recognizing the valuable services of pregnancy maintenance resource centers through the designation of public funds for such organizations; and

WHEREAS, Pregnancy maintenance resource centers operate primarily through reliance on the voluntary donations and time of caring individuals who are committed to caring for the needs of women and promoting and protecting life; and

WHEREAS, There are a number of pregnancy maintenance resource centers that deserve recognition in our state: Pregnancy Resource Center of Southeast Kansas, of Iola, Kansas; Raven Aid for Moms, Benedictine College, of Atchison, Kansas; Birthright, of Great Bend, Kansas; Catholic Social Service, of Great Bend, Kansas; Birthline, of Fort Scott, Kansas; Bethlehem House, of El Dorado, Kansas; Birthline, of El Dorado, Kansas; Pregnancy Care Center of Butler County, of Augusta, Kansas; Catholic Charities, of Concordia, Kansas; Family Life Services, of Arkansas City, Kansas; Birthright, of Pittsburg, Kansas; Vie Medical Clinic, of Pittsburg, Kansas; Birthright, of Lawrence, Kansas; Pregnancy Care Center, of Lawrence, Kansas; Birthright, of Hays, Kansas; Catholic Charities, of Hays, Kansas; Mary Elizabeth Maternity Home, of Hays, Kansas; ABC Pregnancy Care Center, of Garden City,

Kansas; Catholic Social Service, of Garden City, Kansas; Birthright, of Dodge City, Kansas; Catholic Social Service, of Dodge City, Kansas; Life Care Center for Women, of Ottawa, Kansas; Birthline, of Junction City, Kansas; Precious Beginnings Pregnancy Center, of Ulysses, Kansas; Health Ministries Clinic, of Newton, Kansas; Heartland Pregnancy Care Center, of Newton, Kansas; Crisis Pregnancy Center, of Jackson County, Kansas; Advice and Aid Pregnancy Center, of Shawnee, Kansas; Catholic Charities of Northeast Kansas, of Overland Park, Kansas; Christian Family Services, Inc., of Overland Park, Kansas; LDS Family Services, of Overland Park, Kansas; Birthright, of Leavenworth, Kansas; Catholic Charities of Northeast Kansas, of Leavenworth, Kansas; Saint Vincent Clinic, of Leavenworth, Kansas; Birthright, of Emporia, Kansas; Catholic Charities of Northeast Kansas, of Emporia, Kansas; Family Life Services, of Emporia, Kansas; Heart Choices, of Beloit, Kansas; Midwest Pregnancy Care Center, of Coffeyville, Kansas; Midwest Pregnancy Care Center, of Independence, Kansas; Birthline, of Chanute, Kansas; Pratt Family Life Center, of Pratt, Kansas; Birthright, of Hutchinson, Kansas; Open Door Pregnancy Care Center, of Hutchinson, Kansas; Catholic Charities, of Manhattan, Kansas; Life Choice Ministries, of Manhattan, Kansas; Pregnancy Testing Center, of Manhattan, Kansas; Catholic Charities, of Salina, Kansas; Pregnancy Service Center, of Salina, Kansas; A Better Choice, of Wichita, Kansas; Birthline, of Wichita, Kansas; Catholic Charities, of Wichita, Kansas; Choices Medical Clinic, of Wichita, Kansas; Gerard House, of Wichita, Kansas; Guadalupe Clinic, of Wichita, Kansas; Pregnancy Crisis Center of Wichita, Inc., of Wichita, Kansas; Birthline, of Liberal, Kansas; Birthright, of Topeka, Kansas; Caring Pregnancy Options, of Topeka, Kansas; Catholic Charities of Northeast Kansas, of Topeka, Kansas; Rachel's Tea House Crisis Pregnancy Center, of Kansas City, Kansas; Life Support Center, of Johnson, Kansas; Birthline, of Wellington, Kansas; Emergency Pregnancy Service, of Colby, Kansas; Angels of Grace Family Service Center, of Kansas City, Kansas; Catholic Charities of Northeast Kansas, of Kansas City, Kansas; Adoption Center, of Kansas, of Wichita, Kansas; American Adoption, of Overland Park, Kansas; Grace Center, Inc., of Kansas City, Kansas; Wyandotte Pregnancy Clinic, of Kansas City, Kansas; and Your Choice Pregnancy Resource Center, of Kansas City, Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature strongly supports pregnancy maintenance resource centers in their unique, positive contributions to the individual lives of women, men and of babies – both born and unborn; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature commends the compassionate work of tens of thousands of volunteers and paid staff at pregnancy maintenance resource centers in Kansas and across the United States; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature encourages the Congress of the United States and other federal and state government agencies to grant pregnancy maintenance resource centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and

Be it further resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature disapproves of the actions of any national, state or local group attempting to prevent pregnancy maintenance resource centers from effectively serving women and men facing unplanned pregnancies; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each pregnancy maintenance resource center in Kansas, to Governor Brownback, to the President of the United States and to the President of the Senate and the Speaker of the House of Representatives of the United States Congress.

On motion of Senator Pilcher-Cook an emergency was declared, the rules suspended and **SCR 1606** was adopted by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 48, SB 53.**

Ethics, Elections and Local Government: **SB 45.**

Financial Institutions and Insurance: **SB 51, SB 52.**

Judiciary: **SB 47, SB 49.**

Natural Resources: **SB 50.**

Public Health and Welfare: **SB 46.**

MESSAGE FROM THE GOVERNOR

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Reorganization Order No. 42 and the Governor's Message for that ERO for your information.

Governor's Message
Executive Reorganization No. 42
January 18, 2013

Pursuant to Article 1, Section 6(b) of the Constitution of the State of Kansas, I am transmitting this day Executive Reorganization Order No. 42 to both houses of the Kansas Legislature. Simultaneously with this Order, I am transmitting the accompanying Governor's Message.

The post audit report regarding the Juvenile Justice Authority released this summer highlighted how the decades-old social services approach taken by policy makers and previous administrations failed to provide the safety and security that our juvenile offenders require and deserve. The audit clearly shows that juvenile offenders must be served by a professional corrections agency.

This re-organization calls for the facilities and programs administered by the Juvenile Justice Authority to be transferred to the Department of Corrections. Moving JJA to KDOC will increase the emphasis on safety while continuing to provide programs proven to get our youth back on the right path. It will also provide opportunities to strengthen public safety, build upon successes realized through a minimal administrative consolidation of functions two years ago, and provide for the unique needs of these two populations.

While there are some distinct differences in program needs and management strategies for juveniles, and we will continue the rehabilitation of the juvenile population, it is imperative that basic safety and security practices are routinely

employed in correctional environments. Many steps have recently been taken to improve the quality of juvenile corrections and a consolidation will make both agencies stronger and better equipped to provide comprehensive corrections in the State of Kansas.

With a broader organizational base, we can focus on the work necessary to make the Kansas juvenile justice system a nationally-recognized model—one that promotes public safety through sound correctional practices and reduces recidivism through the provision of well researched, evidence-based services. The youth, families, staff, and citizens of the State of Kansas deserve nothing less.

My administration looks forward to working with the Kansas Legislature on this longer term, structural solution to the issues at JJA.

Section 1. (a) The Juvenile Justice Authority created by K.S.A. 75-7001, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this order, all of the jurisdiction, powers, functions and duties of the juvenile justice authority and the commissioner of juvenile justice are hereby transferred to and conferred and imposed upon the department of corrections and the secretary of corrections.

(c) Except as otherwise provided by this order, the department of corrections and the secretary of corrections shall be the successor in every way to the jurisdiction, powers, duties and functions of the juvenile justice authority and the commissioner of juvenile justice in which the same were vested prior to the effective date of this order. Every act performed in the exercise of such jurisdiction, powers, duties and functions by or under the authority of the department of corrections and the secretary of corrections shall be deemed to have the same force and effect as if performed by the juvenile justice authority or the commissioner of juvenile justice, respectively, in which such jurisdiction, powers, duties and functions were vested prior to the effective date of this order.

(d) Except as otherwise provided by this order, whenever the juvenile justice authority, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the department of corrections.

(e) Except as otherwise provided by this order, whenever the commissioner of juvenile justice, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of corrections.

(f) All rules and regulations, internal management policies and procedures (IMPP), facility orders and post orders of the juvenile justice 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, internal management policies and procedures (IMPP), facility orders and post orders of the department of corrections until revised, amended, revoked, or nullified pursuant to law.

(g) All orders and directives of the juvenile justice authority or the commissioner of juvenile justice in existence on the effective date of this order shall continue to be effective and shall be deemed to be orders and directives of the department of corrections or secretary of corrections until revised, amended or nullified pursuant to law.

(h) On the effective date of this order, the department of corrections shall succeed to whatever right, title or interest the juvenile justice authority has acquired in any real property in this state, and the department of corrections shall hold the same for and in the name of the state of Kansas. On and after the effective date of this order, whenever any statute, contract, deed or other document concerns the power or authority of the juvenile justice authority or the commissioner of juvenile justice to acquire, hold or dispose of real property or any interest therein, the department of corrections shall succeed to such power or authority.

(i) The department of corrections and the secretary of corrections shall be continuations of the juvenile justice authority and the commissioner of juvenile justice.

Section 2. (a) All officers and employees in the juvenile justice 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, are hereby transferred to the department of corrections unless the secretary of corrections determines that some officers or employees are not performing necessary services. All classified employees so transferred shall retain their status as classified employees. Thereafter, the secretary of corrections may convert vacant classified positions to positions in the unclassified service under the Kansas civil service act.

(b) Officers and employees in the juvenile justice 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 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 juvenile justice authority prior to the date of transfer.

(c) The Memorandum of Agreement between the Kansas Juvenile Justice Authority and Kansas Department of Administration and Teamsters Union Local #696 that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

(d) The Memorandum of Agreement between the State of Kansas and the Kansas Organization of State Employees that is in existence on the effective date of this order shall continue to be effective until revised, amended or nullified pursuant to the terms of the Memorandum of Agreement.

Section 3. (a) When any conflict arises as to the disposition of any power, function or duty or the unexpended balance of any appropriation as a result of any abolition, transfer, attachment or change made by or under authority of this order, such conflict shall be resolved by the governor, whose decision shall be final.

(b) The department of corrections shall succeed to all property and records which were used for or pertain to the performance of the powers, duties and functions transferred to the department of corrections from the juvenile justice authority. Any conflict as to the proper disposition of property or records arising under this section, and resulting from the transfer or attachment of any state agency, or all or part of the powers, duties and functions thereof, shall be determined by the governor, whose decision shall be final.

Section 4. (a) The department of corrections shall have the legal custody of all records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the juvenile justice authority and any agency or office transferred thereto under previous law.

(b) 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.

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

Section 5. (a) On and after the effective date of this order, the balance of all funds appropriated and reappropriated to the juvenile justice authority or any juvenile correctional facility or program is hereby transferred to the department of corrections and shall be used only for the purpose for which the appropriation was originally made.

(b) Subject to the acts of the legislature, all fees, grant funds, and loan repayment funds in the juvenile justice authority dedicated to programs affected by this order shall be transferred to the department of corrections.

(c) On and after the effective date of this order, the liability for all accrued compensation or salaries of officers and employees who are transferred to the department of corrections under this order shall be assumed and paid by the department of corrections.

Section 6. (a) All jurisdiction, powers, functions and duties relating to juvenile correctional facilities and institutions as defined in K.S.A. 38-2302, and amendments thereto, are conferred and imposed upon the secretary of corrections to be administered within the department of corrections as provided by this order.

(b) The secretary of corrections may adopt rules and regulations for the government, regulation and operation of such institutions. The secretary of corrections may adopt rules and regulations relating to all persons admitted to such institutions.

(c) The secretary of corrections may enter into an educational services contract with a unified school district, another public educational services provider or a private educational services provider for an institution pursuant to competitive bids or by negotiation as determined by the secretary of corrections. Each such educational services contract is exempt from the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

(d) The secretary of corrections shall not issue a pass, furlough or leave to any juvenile placed in an institution except as needed for such juvenile to obtain medical services or to reintegrate such juvenile into the community. If any juvenile is issued a pass, furlough or leave, such juvenile shall be accompanied by a staff member or other designated adult.

(e) The secretary of corrections shall implement an institutional security plan designed to prevent escapes and to prohibit contraband and unauthorized access to the institution and, within the limits of appropriations, construct perimeter fencing as required by the institutional security plan.

(f) The secretary of corrections, by rules and regulations, shall establish a rigid grooming code and shall issue uniforms to juvenile offenders in an institution.

(g) The Larned juvenile correctional facility shall be under the supervision and control of the secretary of corrections in accordance with K.S.A. 76-3203, and amendments thereto.

(h) The Kansas juvenile correctional complex shall be under the supervision and control of the secretary of corrections in accordance with K.S.A. 76-3203, and amendments thereto.

(i) The department of corrections shall be the successor in every way to the jurisdiction, powers, duties, and functions of the juvenile justice authority pertaining to the programs and operation of juvenile correctional facilities and institutions. Every act performed in the exercise of such transferred powers, duties, and functions by or under the authority of the department of corrections shall be deemed to have the same force and effect as if performed by the juvenile justice authority in which such powers, duties, and functions were vested prior to the effective date of this order.

Section 7. The secretary of corrections shall promulgate rules and regulations for the juvenile intake an assessment system and programs concerning juvenile offenders in accordance with K.S.A. 75-7023, and amendments thereto.

Section 8. The secretary of corrections shall administer the provisions of the revised Kansas juvenile justice code in accordance with K.S.A. 75-7024, and amendments thereto.

Section 9. The secretary of corrections shall administer regional youth care and rehabilitation facilities in accordance with K.S.A. 75-7025, and amendments thereto.

Section 10. The secretary of corrections shall administer supplemental youth care facilities in accordance with K.S.A. 75-7026, and amendments thereto.

Section 11. The secretary of corrections shall administer residential care facilities for children and youth established by and in accordance with K.S.A. 75-7028, and amendments thereto.

Section 12. The secretary of corrections shall administer community planning teams, juvenile justice programs, the juvenile justice community planning fund, and the juvenile justice community initiative fund in accordance with K.S.A. 75-7033, and amendments thereto.

Section 13. The secretary of corrections shall administer all grants under K.S.A. 75-7038 through 75-7053, and amendments thereto.

Section 14. The secretary of corrections shall administer community graduated sanctions and prevention programs and the community advisory committee in accordance with K.S.A. 75-7056, and amendments thereto.

Section 15. The Kansas advisory group on juvenile justice and delinquency prevention will report to the secretary of corrections in accordance with K.S.A. 75-7007, and amendments thereto.

Section 16. 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, 2013, 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 18th day
of January 2013.

BY THE GOVERNOR
SAM BROWNBACK

KRIS W. KOBACH
Secretary of State

BRAD BRYANT
Assistant Secretary of State

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1705

A RESOLUTION congratulating and commending the members
of the 2013 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 2013 Kansas Teacher of the Year and finalists were honored at an awards banquet on November 17, 2012. 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 2013 Kansas Teacher of the Year is Dyane Smokorowski, Andover USD 385, and the regional finalists are Ramie Allison, Haysville USD 261; Sarah Berblinger, Buhler USD 313; Sibyl "Sue" Commons, Baxter Springs USD 508; Judy Domke, Blue Valley USD 229; Scott Keltner, Eudora USD 491; Colleen Mitchell, Emporia USD 253 and Laura Moyers, Leavenworth USD 453: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the members of the 2013 Kansas Teacher of the Year team and wish Mrs. Smokorowski 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 2013 Kansas Teacher of the Year team.

On motion of Senator Abrams an emergency was declared, the rules suspended and **SR 1705** was adopted by voice vote.

The teachers were acknowledged with a standing ovation.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 23, 2013.

Journal of the Senate

SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 23, 2013, 2:30 p.m.

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

The roll was called with forty senators present.

Vice President King introduced as guest chaplain, Lawrence C. Dennis CH (COL) who delivered the invocation.

Almighty and Sovereign God, in the midst of these lawmakers of Kansas, I ask that your Presence might bring great blessings on them in their efforts to fulfill the responsibilities of their elected office. I pray they always be accepting of your wisdom to guide their thoughts and actions. Let your Spirit awaken them to the needs of the people and enlighten them to the resources you provide. Lord, bring inspiration to their perspiration; harmony in their deliberations; determination in doing what is right; compassion in their consideration of others; restraint in their rhetoric; and creativity in facing the needs of the State. Lord, thank you for the opportunities these servants of the people of Kansas have in the coming legislative days. May their governance be marked by humility and cooperation. It is in your Holy Name I pray. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 65, AN ACT concerning the governmental ethics commission; amending K.S.A. 2012 Supp. 25-4119a and repealing the existing section, by Committee on Ethics, Elections and Local Government.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 56**, **SB 57**.

Assessment and Taxation: **SB 55**.

Federal and State Affairs: **SB 54**.

Judiciary: **SB 58**, **SB 59**, **SB 60**, **SB 61**; **ERO 42**.

Utilities: **SB 62**.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor, Speaker of the House, House Minority Leader, Secretary of the Department

of Revenue and the Secretary of Health and Environment, were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the **Confirmation Oversight** Committee:

By the Governor:

On the appointment to the:

Kansas Electric Transmission Authority:

Leslie Evans, term expires March 15, 2016

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Employment Security Board of Review:

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Human Rights Commission:

Melvin Neufeld, term expires January 15, 2016

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Lottery Commission:

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas National Guard:

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Racing and Gaming Commission:

Eileen King, term expires January 15, 2016

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Kansas Racing and Gaming Commission:

David Moses, term expires January 15, 2016

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

Pooled Money Investment Board:

Eric Meyers, term expires March 15, 2016

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

Voting 0.

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Banking Board:

Richard Fish, term expires March 15, 2015

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Banking Board:

Dale Koch, term expires March 15, 2015

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Banking Board:

James Needham, term expires March 15, 2015

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Board of Indigents Defense Services:

Samantha Angell, term expires January 15, 2015

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Civil Service Board:

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Corporation Commission:

Shari Feist-Albrecht, term expires March 15, 2016

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

State Fire Marshal:

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

University of Kansas Hospital Authority:

Monte Coffman, term expires March 15, 2015

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

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

The appointment was confirmed.

By the Governor:

On the appointment to the:

University of Kansas Hospital Authority:

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

The appointment was confirmed.

By the House Minority Leader:

On the appointment to the:

Kansas Bioscience Authority:

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

The appointment was confirmed.

By the Secretary of the Department of Revenue:

On the appointment to the:

Alcoholic Beverage Control:

Dean Reynoldson, serves at the pleasure of the Secretary of the Department of Revenue

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

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

The appointment was confirmed.

By the Speaker of the House:

On the appointment to the:

Kansas Bioscience Authority:

Robert Smith, term expires March 15, 2015

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

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

The appointment was confirmed.

By the Department of Health and Environment:

Inspector General

On the appointment to the:

Inspector General:

Bill Gale, serves at the pleasure of the Secretary of the Department of Health and Environment.

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

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

The appointment was confirmed.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 7** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce** recommends **SB 37** be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 24, 2013.

Journal of the Senate

EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 24, 2013, 2:30 p.m.

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

Heavenly Father,

It only took a few days before the weather is mentioned in a prayer. We Kansans are a hearty lot and we can stand much, yet even in this wintertime we are in need of rain. Water gives life and reminds us of the continuance of creation and the cycle of life. So in the midst of our deliberations on many subjects, we pray for rain so that the spring may bring beauty and glory.

In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Love rose on a Point of Personal Privilege to introduce the Rolla High School Scholar Bowl Team. Introduced were Chandler Huddleston, Taylor Cameron, Garry Norton, Chandler Burrows, Chris Hall, Head Coach and Mary Courtney, Assistant Coach.

The team was recognized by the Senators with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 66, AN ACT concerning county and district attorneys; relating to criminal and juvenile offender caseload information; amending K.S.A. 19-702 and 22a-104 and repealing the existing sections, by Senator Smith.

SB 67, AN ACT concerning public health; relating to exemptions from the administration of vaccinations; amending K.S.A. 72-5209 and K.S.A. 2012 Supp. 65-508 and repealing the existing sections, by Committee on Public Health and Welfare.

SB 68, AN ACT concerning motor vehicles; relating to driver's licenses; examinations, locations; amending K.S.A. 2012 Supp. 8-235d and repealing the existing section, by Committee on Transportation.

SB 69, AN ACT concerning motor vehicles; relating to vehicle registration; license plates; amending K.S.A. 8-163 and 8-167 and K.S.A. 2012 Supp. 8-136, 8-139, 8-171

and 8-2409 and repealing the existing sections, by Committee on Transportation.

SB 70, AN ACT concerning motor vehicles; relating to definitions; updating terms concerning titling and registration; amending K.S.A. 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-126 and 44-1204 and repealing the existing sections, by Committee on Transportation.

SB 71, AN ACT concerning mortgage registration fees; amending K.S.A. 79-3102 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 72, AN ACT concerning taxation; relating to property and sales tax exemptions; health clubs; amending K.S.A. 2012 Supp. 79-201 and 79-3603 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 73, AN ACT concerning workers compensation, relating to administrative duties assumed by the secretary of health and environment; legal status requirements for compensation; administrative judge disqualification; limitation of actions; state workplace health and safety program; amending K.S.A. 44-512, 44-557 and 44-578 and K.S.A. 2012 Supp. 2-224a, 44-510d, 44-510e, 44-523, 44-532a, 44-575 and 44-577 and repealing the existing sections, by Committee on Commerce.

SB 74, AN ACT concerning the prison-made goods act; relating to the manufacture or production of manufactured homes or modular homes, by Committee on Commerce.

SB 75, AN ACT concerning plastic bulk merchandise containers; relating to sales; records; civil penalties, by Committee on Commerce.

SB 76, AN ACT making and concerning appropriations for fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 74-50,107, 74-99b34 and 79-4227 and repealing the existing sections, by Committee on Ways and Means.

SB 77, AN ACT concerning the state child death review board; amending K.S.A. 22a-243 and repealing the existing section, by Committee on Judiciary.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics, Elections and Local Government: **SB 64**, **SB 65**.

Judiciary: **SB 63**.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 20** be passed.

On motion of Senator Bruce the Senate adjourned pro forma until 8:00 a.m., Friday, January 25, 2013.

Journal of the Senate

NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, January 25, 2013, 8:00 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 78, AN ACT concerning taxation; relating to income tax rates and deductions; sales tax rates and distribution of revenue; amending K.S.A. 2012 Supp. 79-32,110, 79-32,120, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 79, AN ACT concerning taxation; relating to income tax deductions and modifications; severance tax; sales tax; amending K.S.A. 79-32,109 and K.S.A. 2012 Supp. 79-32,118, 79-32,266, 79-3620 and 79-4217 and repealing the existing sections; also repealing K.S.A. 79-3632 and K.S.A. 2012 Supp. 79-32,117n and 79-3639a, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 72**.

Commerce: **SB 73, SB 74, SB 75**.

Financial Institutions and Insurance: **SB 71**.

Judiciary: **SB 66, SB 77**.

Public Health and Welfare: **SB 67**.

Transportation: **SB 68, SB 69, SB 70**.

Ways and Means: **SB 76**.

MESSAGES FROM GOVERNOR:

January 24, 2013

To the Senate of the State of Kansas

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

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

SAM BROWNBACK
Governor

REPORT ON ENROLLED BILLS

SR 1705 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 25, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 8** be amended on page 1, in line 5, before "Section" by inserting "New"; in line 6, by striking "qualifications" and inserting "nominations"; in line 26, by striking "not"; in line 28, after "thereto." by inserting "The commission, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering confidential information related to the appointee's qualifications for office. Any confidential documents or other confidential information obtained by the commission shall be privileged and confidential, shall not be a public record and shall not be subject to discovery or subpoena in a civil or criminal action.";

On page 2, in line 5, before "Sec. 2" by inserting "New"; following line 30, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

- (1) Personnel matters of nonelected personnel;
- (2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;
- (3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;
- (4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) preliminary discussions relating to the acquisition of real property;
- (7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804, and amendments thereto;
- (8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (d)(1) of K.S.A. 38-2212, and amendments thereto, or subsection (e) of K.S.A. 38-2213, and amendments thereto;
- (9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243, and amendments thereto;

(10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596, and amendments thereto;

(11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119, and amendments thereto;

(12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such 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; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. 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;

(14) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto;

(15) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2012 Supp. 75-7427, and amendments thereto; ~~and~~

(16) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 2012 Supp. 46-3801, and amendments thereto; and

(17) matters permitted to be discussed in a closed or executive meeting pursuant to section 1, and amendments thereto.

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) (1) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(2) (A) Except as otherwise provided by law, any confidential documents, records or reports relating to the prisoner review board provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

(B) Notwithstanding any other provision of law to the contrary, any summary statement provided or received under the provisions of subsection (b)(16) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 4. K.S.A. 2012 Supp. 75-4319 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking "qualifications" and inserting "nominations"; also in line 2, after "confirmation" by inserting "; amending K.S.A. 2012 Supp. 75-4319 and repealing the existing section"; and the bill be passed as amended.

Also, **SB 18** be amended on page 1, in line 25, after "thereof" by inserting ", or to the appropriate city clerk or county clerk if the adverse party is a city or county or an agency, officer or employee thereof"; in line 34, by striking "preliminary" and inserting "*temporary*"; in line 35, by striking "preliminary" and inserting "*temporary*";

On page 2, in line 13, after "Security." by inserting "Unless otherwise provided by statute or this section,"; also in line 13, by striking "a preliminary injunction or"; in line 16, by striking "enjoined or"; in line 18, after "security." by inserting "For any city or county or an agency, officer or employee thereof, at the discretion of the judge, the security required by this subsection may be waived."; and the bill be passed as amended.

SCR 1601 be amended on page 4, in line 4, by striking "nomination or"; in line 9, after "14." by inserting "The court of appeals shall be a part of the court of justice in which the judicial power of the state is vested by section 1 of this article and shall be subject to the general administrative authority of the supreme court. The court of appeals shall have such jurisdiction over appeals in civil and criminal cases and from administrative bodies and officers of the state as may be prescribed by law, and shall have such original jurisdiction as may be necessary to the complete determination of any cause on review. During the pendency of any appeal, the court of appeals, on such terms as may be just, may make an order suspending further proceedings in the court below, until the decision of the court of appeals.

(2)";

And by redesignating paragraph accordingly;

On page 6, in line 1, by striking "nomination or"; by striking all in lines 6 and 7; and the resolution be adopted as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, January 28, 2013.

Journal of the Senate

TENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, January 28, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-six senators present.
Senators Fitzgerald, Haley, Longbine and Olson were excused.
Invocation by Father Don Davidson:

The prophet Micah exhorts us “To act justly and to love mercy and to walk humbly with your God,” and so with that advice we begin another week. As we move forward we face the unknown difficulties. We humans, no matter of our intentions, cannot always see what is to come or have plans at the ready. We must rely on you, Oh Lord, our faith gives us sight and our humility gives us the chance to perceive the wonder of your work and the mystery of your love. Help us to continue to walk in your Name. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 80, AN ACT concerning grand juries; amending K.S.A. 22-3002, 22-3003, 22-3004, 22-3005, 22-3006, 22-3007, 22-3009, 22-3010, 22-3011, 22-3012, 22-3013 and 22-3014 and K.S.A. 2012 Supp. 22-3001 and 22-3008 and repealing the existing sections, by Committee on Judiciary.

SB 81, AN ACT concerning open records; relating to public officials' identifying information; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, by Committee on Judiciary.

SB 82, AN ACT concerning energy; relating to renewable energy portfolio standards; amending K.S.A. 2012 Supp. 66-1258 and repealing the existing section, by Committee on Utilities.

SENATE CONCURRENT RESOLUTION No. 1607—

By Senators Holland, Faust-Goudeau, Francisco, Haley,
Hawk, Hensley, Kelly and Pettey

A CONCURRENT RESOLUTION urging congress to pass an amendment
to the United States constitution to overturn the holding in
Citizens United v. Federal Election Commission.

WHEREAS, The protections afforded by the first amendment to the United States constitution to the people of our nation are fundamental to our democracy; and

WHEREAS, The founders of the republic and the signers of the United States constitution clearly and emphatically intended freedom of speech to mean freedom to communicate with and by natural persons either directly or through the free press; and

WHEREAS, Such freedoms were never intended by the founders to apply to corporations, which have special advantages not enjoyed by natural persons, such as limited liability, perpetual life and favorable treatment of the accumulation and distribution of assets, that allow them to spend prodigious sums on campaign messages that have little or no correlation with the beliefs held by natural persons; and

WHEREAS, Free and fair elections are essential to democracy and effective self-governance; and

WHEREAS, The United States Supreme Court ruled on January 21, 2010, in *Citizens United v. Federal Election Commission*, that corporations have the same first amendment rights as naturally born persons, and that corporations can spend unlimited amounts of money on elections; and

WHEREAS, There is an unequal playing field that allows corporations to spend without limit to influence elections, candidate selection and policy decisions and to sway votes; and

WHEREAS, Corporations own most of America's mass media and use that media as a megaphone to loudly express such corporations' political agenda and to convince the citizens of this country that the citizen's role is that of consumer, rather than a sovereign citizen with rights and responsibilities within our democracy, and this forces citizens to toil to discern the truth behind headlines and election campaigning; and

WHEREAS, Article V of the United States constitution empowers and obligates the people and states of the United States of America to use the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and republican form of self-government; and

WHEREAS, The United States Supreme Court is misguided in principle, and wrong on the law, because in a democracy the people rule: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That congress is hereby urged to immediately transmit to the several states for ratification an amendment to the United States constitution that would effectively overturn the holding in *Citizens United v. Federal Election Commission* thereby returning our democracy, our elections and our communities to the people, and thus reclaiming our sovereign right to self-governance; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 78, SB 79.**

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1604**, as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, January 29, 2013.

Journal of the Senate

ELEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, January 29, 2013, 2:30 p.m.

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

This prayer will be prayed today at the National Cathedral in Washington, D.C. in honor of the 152nd anniversary of Kansas statehood:

Open sky, open land; Open face, open heart; So hast Thou made Kansas and her children, Lord.

Homesteads for weather, Hands for work; Fibre of human souls; Thou hast winnowed on the prairie.

Bless that free soil, O God, Her hills of flint, Her miles of wheat, Her flowers in the sun, And steady servants of Thine unswerving truth. Amen.

The Pledge of Allegiance was led by President Susan Wagle.

In recognition of Kansas Day, President Wagle introduced Caleb McGinn, son of Senator Carolyn McGinn, to lead the body in the singing of the Kansas State song, Home on the Range. Caleb is a songwriter/recording artist who was recently recognized as a 2012 International Acoustic Awards winner.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 83, AN ACT concerning taxation; relating to delinquent tax liabilities; service fees, remittance; amending K.S.A. 2012 Supp. 75-5162 and repealing the existing section, by Committee on Assessment and Taxation.

SB 84, AN ACT concerning sales and use taxation; relating to nexus; amending K.S.A. 2012 Supp. 79-3702 and repealing the existing section, by Committee on Assessment and Taxation.

SB 85, AN ACT concerning insurance; pertaining to proof of motor vehicle liability insurance; amending K.S.A. 2012 Supp. 8-173, 8-1604, 40-3104 and 40-3118 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 86, AN ACT concerning agriculture; relating to the plant pest and agriculture commodity certification act; live plant dealer's licenses; amending K.S.A. 2012 Supp. 2-2120 and repealing the existing section, by Committee on Agriculture.

SB 87, AN ACT concerning livestock; relating to the establishment of the Kansas equine education and promotion board, by Committee on Agriculture.

SB 88, AN ACT concerning crimes, punishment and criminal procedure; relating to certain defendants; children's advocacy center assessment fee; amending K.S.A. 20-370 and repealing the existing section, by Committee on Judiciary.

SB 89, 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 90, AN ACT concerning consumer protection; relating to private remedies; amending K.S.A. 50-634 and repealing the existing section, by Committee on Judiciary.

SB 91, AN ACT concerning the adjutant general; relating to the funding for disasters; creating the disaster reimbursement fund, by Committee on Federal and State Affairs.

SB 92, AN ACT concerning crimes, punishment and criminal procedure; relating to sexually violent crimes; law enforcement reports on the presence of pornographic materials, by Senator Smith.

SB 93, AN ACT concerning civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry; amending K.S.A. 60-1103, 60-1110 and 60-1111 and repealing the existing sections, by Committee on Commerce.

SB 94, AN ACT concerning certain crimes and punishments; amending K.S.A. 2012 Supp. 21-5111 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:

Ethics, Elections and Local Government: **SCR 1607**.

Judiciary: **SB 80**, **SB 81**.

Utilities: **SB 82**.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Masterson moved the Senate concur in House amendments to **SCR 1604**.

SCR 1604, adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

The Senate concurred.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1706—

A RESOLUTION recognizing National Catholic Schools Week.

WHEREAS, The week of January 27, 2013, to February 2, 2013, has been designated as National Catholic Schools Week by the National Catholic Educational Association and the United States Conference of Catholic Bishops; and

WHEREAS, The theme for the National Catholic Schools Week 2013 is "Catholic Schools Raise the Standards." The 2013 theme supports the recent launch of the National Standards and Benchmarks for Effective Catholic Elementary and Secondary Schools, that ensures the effective operation and responsible governance of Catholic schools across the country, thus promoting high academic standards and Catholic identity; and

WHEREAS, Catholic schools in the United States are internationally acclaimed for their academic excellence and provide students with more than an exceptional scholastic education; and

WHEREAS, Catholic schools instill a broad, values-added education emphasizing the lifelong development of moral, intellectual and social values in young people in the United States; and

WHEREAS, Catholic schools produce students strongly dedicated to their faith, values, families and communities by providing an intellectually stimulating environment rich in spiritual character and moral development; and

WHEREAS, Catholic schools are committed to community service, producing graduates who hold "helping others" as one of their core values; and

WHEREAS, In the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated, "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."; and

WHEREAS, There are 45 Catholic schools of the Archdiocese of Kansas City in Kansas, with a total enrollment of 15,234 students and 7 Catholic schools of the Diocese of Dodge City, Kansas, with a total enrollment of 989 students. There are 16 Catholic schools of the Diocese of Salina, Kansas, with a total enrollment of 2,798 students and 38 Catholic schools of the Diocese of Wichita, Kansas, with a total enrollment of 10,671 students; and

WHEREAS, There are a total of 90 elementary schools and 16 high schools within the Kansas Catholic schools system, totaling 29,692 enrolled students; and

WHEREAS, Almost every Catholic school in Kansas celebrates National Catholic Schools Week with a special All School Mass. In addition, Kansas Catholic schools often host a teacher appreciation day, special service day, special prayer day, student appreciation day and a family appreciation day; and

WHEREAS, Examples of activities undertaken by Kansas Catholic schools during National Catholic Schools Week include writing letters to nursing homes or homeless ministries, praying each class hour and baking cookies for parents who drop off their children at school each morning; and

WHEREAS, Eight Catholic elementary schools and one Catholic high school in Kansas received the 2012 Kansas Governor's Achievement Award. To receive such a prestigious award, a school must have achieved the Standard of Excellence in both reading and mathematics and been among the top 5% of schools in both reading and mathematics in 2012: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the continued dedication of Catholic schools across Kansas toward academic excellence and the key role Catholic schools play in promoting and ensuring a brighter, stronger future for students; and

Be it further resolved: That we support the goals of National Catholic Schools Week and recognize the vital contributions of Kansas Catholic schools; and

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

On emergency motion of Senator Bowers **SR 1706** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 46** be amended on page 1, in line 26, after "days" by inserting ", whichever event occurs first,"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the Chair.

On motion of Senator Donovan the following report was adopted:

SB 20 be passed.

SB 18 be amended by the adoption of the committee amendments, and the bill be passed as amended.

SB 37 be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, January 30, 2013.

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 30, 2013, 2:30 p.m.

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

Heavenly Father we live in safety because we are unable to go where you are not. So simple and yet so real, help us Lord to remember that our most private thoughts are known to you, that there is no place on earth nor any power on earth that can keep you from hearing our prayers. While each of us has a relationship to you that is wonderfully unique, our common connection to you brings light to all human kind. We truly are blessed, Oh Lord, this day and every day in your Name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 95, AN ACT concerning the uniform vital statistics act; relating to issuance of certificate of birth resulting in stillbirth; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections, by Senator Olson.

SB 96, AN ACT concerning motor vehicles; relating to registration fees, multiple registration facilities; amending K.S.A. 2012 Supp. 8-145d and repealing the existing section, by Committee on Transportation.

SB 97, AN ACT concerning Logan county; relating to the election of the board of county commissioners, by Committee on Federal and State Affairs.

SB 98, AN ACT concerning elections; relating to local government candidates; amending K.S.A. 25-904 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 99, AN ACT concerning lobbyists; regarding definitions; amending K.S.A. 46-222 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 100, AN ACT concerning lobbyists; regarding filings; amending K.S.A. 46-268 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 101, AN ACT concerning motor-vehicle fuels; relating to retail pump labeling requirements; amending K.S.A. 2012 Supp. 79-3408 and repealing the existing section, by Committee on Commerce.

SB 102, AN ACT concerning the office of the state treasurer; relating to daily deposits; amending K.S.A. 2012 Supp. 75-4203 and repealing the existing section, by Committee on Legislative Post Audit Committee.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 86**, **SB 87**.

Assessment and Taxation: **SB 83**, **SB 84**.

Commerce: **SB 93**.

Federal and State Affairs: **SB 91**, **SB 94**.

Financial Institutions and Insurance: **SB 85**.

Judiciary: **SB 88**, **SB 89**, **SB 90**, **SB 92**.

CHANGE OF REFERENCE

The President withdrew **SB 94** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Judiciary**.

FINAL ACTION ON CONSENT CALENDAR

SB 7 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 7, AN ACT concerning alcoholic beverages; relating to preparation of samples for tasting; relating to penalties; amending K.S.A. 41-713 and K.S.A. 2012 Supp. 41-308d, 41-354 and 41-2655 and repealing the existing sections.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 18, AN ACT concerning civil procedure; relating to restraining orders; amending K.S.A. 60-903 and repealing the existing section, was considered on final action.

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

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

Nays: Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote no on **SB 18**. A temporary restraining order (or "TRO") is often the only means by which a party can prevent real, or perceived, "irreparable harm." Going to court every two weeks to show cause and extend a TRO can create economic hardship for a working party to hire counsel and keep up the review process on the merits of their claim for injunctive relief. I would support a longer, definitive time other than fourteen (14) days but not indefinite but two (2) weeks is too often so I vote "no." — DAVID HALEY

SB 20, AN ACT concerning civil procedure; relating to docket fees and costs; poverty affidavit; amending K.S.A. 2012 Supp. 60-2001 and repealing the existing section, was considered on final action.

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

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

Nays: Haley.

The bill passed.

EXPLANATION OF VOTE

Madam President: I vote no on **SB 20**. Allowing a preliminary ruling, as to a party's ability to afford a docket fee and/or costs to an action, by the same court later hearing and ruling on the merits of a matter may prejudice the same court on essentially the same matter; the court having to independently weigh and rule both the financial status and on the veracity of the moving party. — DAVID HALEY

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 28** 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 21** be amended on page 2, by striking all in lines 10 through 43;

By striking all on pages 3 through 5;

On page 6, by striking all in lines 1 through 11;

On page 23, in line 15 by striking "21-5111,";

On page 1, in the title, in line 4 by striking "21-5111,"

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

SB 34 be amended on page 2, in line 5, by striking "represent the tribes of Kansas" and inserting "act as a representative or liaison of any federally recognized tribe residing in the state"; and the bill be passed as amended.

SB 35 be amended on page 1, in line 31, after the first "of" by inserting "two or more violations of K.S.A. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or similar law furnishing sale of alcoholic liquor to minors of any other state, or of the United States, within the immediately preceding five years, or who has been adjudged guilty of"; in line 32, after the second comma by inserting "not involving the sale of alcoholic liquor to minors"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended **SCR 1601** be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco on page 8, in line 23, before "The governor" by inserting "When there is a vacancy on the supreme court or the court of appeals"; in line 27, by striking "A procedure is established whereby"; by striking all of line 28; in line 29, by striking "the appointment."; in line 30, before "a majority vote" by inserting "by"; in line 34, before "fails to vote" by inserting "is in session and"; in line 38, before "person" by inserting "qualified";

On page 9, in line 1, before "persons" by inserting "qualified" and **SCR 1601** be adopted as further amended.

Senator McGinn made a motion to amend **SCR 1601**, on page 9, in line 10, by striking "August" and inserting "November".

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

On roll call, the vote was: Yeas 14; Nays 26; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

The motion failed and the amendment was rejected.

An amendment by Senator Francisco on **SCR 1601** was withdrawn.

SB 8 be amended by adoption of the committee amendments, be further amended by motion of Senator Hensley on page 2, in line 16, by striking "may" and inserting "shall"; in line 17, by striking "in either executive or regular session except that"; in line 18, by striking "no final action thereon may be taken in executive" and inserting "only in open" and **SB 8** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTION

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SCR 1601** and **SB 8** were advanced to Final Action and roll call.

SCR 1601, to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

A two-thirds constitutional majority having voted in favor of the resolution, **SCR 1601** was adopted, as amended.

EXPLANATION OF VOTE

Madam President: The current system of selecting judges and justices is not broken. Could it be improved? Probably. Is amending the Kansas Constitution pursuant to **SCR 1601** the best solution? Absolutely not. **SCR 1601**, if passed, will subject Kansas to pure, unadulterated Washington D.C. style politics when all future appellate judges are chosen. I believe the voters of Kansas deserve better. Madam President, I vote no. – JAY EMLER

Senator Kelly requests the record to show she concurs with the "Explanation of Vote" offered by Senator Emler on **SCR 1601**.

Madam President: I vote no on **SCR 1601**. Any change made to the constitution should be held in a General Election, not a Primary Election. According to the Kansas Secretary of State's website, voter turnout is consistently higher during general elections than primary. For example, in 2012, the general election had a 66.8% turnout while the primary election had a 23.2% turnout. That's a difference of 43.6%.

Furthermore, the people of Kansas made it clear in the late 1950s that they prefer an independent, non-partisan judiciary branch of government. They voted in Article 3 of the Kansas Constitution after witnessing the most blatant example of a politicized judicial system – Governor Hall's "triple play."

The judiciary branch is the last remaining branch of government free from Governor Brownback's control. Voting for **SCR 1601** would give the Governor control of all three branches of government.

The people of Kansas deserve a system of checks and balances. It is not necessary to repeat Kansas history and politicize the judicial system. I do not agree with replacing a non-partisan system that was voted into place by the people of Kansas and has worked well for the past 55 years. – ANTHONY HENSLEY

Senators Francisco, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SCR 1601**.

Madam President: Sadly, **SCR 1601** is but a politically-motivated solution in search of a problem. I vote "No". – TOM HOLLAND

SB 8, AN ACT concerning judicial appointments; creating the Kansas commission on judicial nominations; relating to senate confirmation; amending K.S.A. 2012 Supp. 75-4319 and repealing the existing section.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

Present and Passing: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: **SB 8** is a companion to **SCR 1601**. Since **SCR 1601** is not in the best interests of the people of this great state, **SB 8** is unnecessary. Madam President, I vote no. – JAY EMLER

Senator Kelly requests the record to show she concurs with the "Explanation of Vote" offered by Senator Emler on **SB 8**.

REPORT ON ENGROSSED BILLS

SB 8 and **SCR 1604** reported correctly engrossed January 29, 2013.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, January 31, 2013.

Journal of the Senate

THIRTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, January 31, 2013, 2:30 p.m.

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

Heavenly Father I wish to give thanks for our soles that give us comfort and stability. With all the hustle of this place, they may indeed become worn and maybe work is needed to keep them in shape. The worst of heels cannot take the place of a faithful sole. Dear Lord help us to be cobbled together in your name and please bless our shoes and the people who wear them. Amen

POINT OF PERSONAL PRIVILEGE

Senator Love rose on a Point of Personal Privilege to recognize his former cross-country coach, Darrel Bryant and wife Jean. He reiterated his many accomplishments, winning many state titles. The Senators recognized them with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 103, AN ACT concerning school districts; relating to the definition of at-risk pupil; amending K.S.A. 2012 Supp. 72-6407 and repealing the existing section, by Committee on Education.

SB 104, AN ACT creating the Kansas children's internet protection act, by Senator Abrams.

SB 105, AN ACT concerning school districts; relating to policies against bullying; amending K.S.A. 2012 Supp. 72-8256 and repealing the existing section, by Committee on Education.

SB 106, AN ACT concerning income taxation; relating to credits; expenses for household and dependent care services necessary for gainful employment, by Committee on Assessment and Taxation.

SB 107, AN ACT concerning public health and social services; relating to powers, duties and functions transferred to Kansas department for aging and disability services from Kansas department for children and families and the department of health and environment; updating references and corresponding changes due to Executive Reorganization Order No. 41, published in chapter 1895 of the 2012 Session Laws of Kansas; amending K.S.A. 12-736, 12-4808, 16-304, 16-311, 17-2264, 17-5829, 20-319,

22-3723, 22a-243, 22a-244, 38-134, 38-320, 38-1808, 38-1817, 38-1819, 38-1820, 38-1821, 38-1822, 38-1901, 38-2002, 39-110, 39-111, 39-702, 39-708c, 39-708d, 39-711a, 39-718b, 39-719e, 39-740, 39-744, 39-751, 39-753, 39-755, 39-758, 39-782, 39-783, 39-786, 39-787, 39-788, 39-7,100, 39-7,100a, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,109, 39-7,122, 39-7,123, 39-7,125, 39-7,127, 39-7,128, 39-7,130, 39-7,131, 39-7,139, 39-960, 39-1208, 39-1209, 39-1302, 39-1410, 39-1434, 39-1435, 39-1501, 39-1602, 39-1603, 39-1604, 39-1612, 39-1613, 39-1703, 39-1704, 39-1804, 40-2d02, 40-2256, 40-22a05, 40-3227, 41-1126, 59-2006, 59-2006b, 59-2006c, 59-2130, 59-2338, 59-2801, 59-2803, 59-2963, 59-2968, 59-2981, 59-29b57, 59-29b60, 59-29b63, 59-29b78, 59-29b81, 59-3065, 59-3067, 59-3070, 59-3080, 59-3094, 60-2204, 60-2310, 60-2401, 65-116i, 65-116j, 65-116k, 65-116l, 65-116m, 65-1,108, 65-1,120, 65-1,159, 65-1,162, 65-1,165, 65-507, 65-513, 65-2422b, 65-3507, 65-4432, 65-5101, 65-5115, 65-5902, 72-1046, 72-3608, 72-4311, 72-4314a, 72-4316, 72-8239, 72-8243, 72-89a02, 72-89b03, 74-5502, 74-5505, 74-6901, 74-6904, 74-7801, 75-2935c, 75-3303, 75-3303a, 75-3304, 75-3304a, 75-3307, 75-3315, 75-3323, 75-3328, 75-3337, 75-3338, 75-3339a, 75-3340, 75-3343a, 75-3347, 75-3354, 75-3728a, 75-5308e, 75-5309a, 75-5310, 75-5310a, 75-5313, 75-5316a, 75-5319, 75-5320, 75-5321, 75-5326, 75-5328a, 75-5343, 75-5344, 75-5345, 75-5365, 75-5371, 75-5375, 75-5376, 75-5381, 75-5382, 75-5383, 75-5386, 75-5391, 75-5393, 75-53,100, 75-5902, 75-5923, 75-5925, 75-5940, 75-5946, 75-5947, 75-5949, 75-5952, 75-5956, 76-170, 76-175, 76-317, 76-1237, 76-12a16, 76-12a17, 76-12a22, 76-12a30, 76-1528, 76-17a10, 76-17c07, 76-1936, 76-1958 and 78-101 and K.S.A. 2012 Supp. 8-255, 8-1008, 8-1567, 9-1216, 12-4509, 12-4516, 12-4516a, 16-312, 17-1762, 19-4001, 19-4007, 20-378, 20-380, 21-5413, 21-5512, 21-5914, 21-5926, 21-5927, 21-6602, 21-6614, 21-6702, 21-6708, 22-2410, 22-3302, 22-3303, 22-3305, 22-3428, 22-3727a, 22-4612, 23-2202, 23-2203, 23-2204, 23-2209, 23-2212, 23-2213, 23-2219, 23-3102, 23-3109, 23-3113, 23-3114, 23-3121, 23-3210, 23-36,201, 23-36,310, 32-906, 32-918, 32-930, 38-143, 38-144, 38-1604, 38-1608, 38-1664, 38-2202, 38-2212, 38-2222, 38-2223, 38-2226, 38-2247, 38-2261, 38-2282, 38-2304, 38-2310, 38-2312, 38-2319, 38-2326, 38-2335, 38-2350, 38-2356, 38-2361, 39-709, 39-717, 39-754, 39-756, 39-757, 39-760, 39-784, 39-785, 39-7,108, 39-7,129, 39-7,132, 39-7,134, 39-7,135, 39-7,138, 39-7,151, 39-7,155, 39-7,156, 39-7,157, 39-7,158, 39-7,159, 39-7,160, 39-7,162, 39-923, 39-924, 39-926, 39-930, 39-935, 39-936, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-947a, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-968, 39-969, 39-970, 39-971, 39-1002, 39-1202, 39-1402, 39-1404, 39-1405, 39-1406, 39-1407, 39-1408, 39-1409, 39-1411, 39-1430, 39-1431, 39-1432, 39-1433, 39-1436, 39-1443, 39-1605, 39-1803, 40-2,111, 40-2134, 40-3401, 40-4704, 41-2622, 44-508, 44-575, 44-577, 46-922, 46-1208e, 46-2801, 59-2122, 59-2123, 59-2132, 59-2946, 59-2972, 59-2978, 59-29a02, 59-29a07, 59-29a11, 59-29a22, 59-29b46, 59-29b66, 59-3069, 60-2308, 65-1,246, 65-445, 65-503, 65-504, 65-506, 65-508, 65-516, 65-1456, 65-1673, 65-1674, 65-2409a, 65-2422d, 65-2895, 65-3503, 65-3504, 65-3506, 65-4024a, 65-4024b, 65-4412, 65-6205, 65-6207, 65-6210, 65-6214, 65-6217, 65-6218, 65-6220, 65-6501, 65-6502, 65-6503, 65-6610, 72-962, 72-973, 72-997, 72-1113, 72-53,106, 72-6407, 72-8187, 72-8223, 73-1209, 74-32,151, 74-32,160, 74-32,161, 74-4902, 74-4911f, 74-4927, 74-5602, 74-6703, 74-8917, 74-9501, 75-723, 75-725, 75-2935, 75-3306, 75-3307b, 75-3329, 75-3339, 75-37,121, 75-4265, 75-4266, 75-4375, 75-4376, 75-4378, 75-5268, 75-5301, 75-5366, 75-5367, 75-5397a, 75-5399, 75-53,105, 75-53,112, 75-5674, 75-5675,

75-5741, 75-5742, 75-5743, 75-5903, 75-5908, 75-5910, 75-5914, 75-5928, 75-5933, 75-5945, 75-5951, 75-5958, 75-5961, 75-6202, 75-6506, 75-6508, 75-7023, 75-7302, 75-7306, 75-7310, 75-7311, 75-7405, 75-7435, 76-375, 76-381, 76-6b05, 76-12a01, 76-12a08, 76-12a10, 76-12b01, 76-1305, 76-1306, 76-1307, 76-17c08, 79-3221g, 79-3234, 79-32,200 and 79-4805 and repealing the existing sections; and also repealing K.S.A. 2012 Supp. 39-7,161, 39-923a, 75-37,121a and 79-3234c, by Committee on Public Health and Welfare.

SB 108, AN ACT concerning the offices of the governor and lieutenant governor; relating to vacancies therein, by Committee on Ethics, Elections and Local Government.

SENATE CONCURRENT RESOLUTION No. 1608—
By Committee on Education

A PROPOSITION to amend section 6 of article 6 of the constitution of the state of Kansas; relating to school finance.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the 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 6 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 6. **Finance.** (a) The legislature may levy a permanent tax for the use and benefit of state institutions of higher education and apportion among and appropriate the same to the several institutions, which levy, apportionment and appropriation shall continue until changed by statute. Further appropriation and other provision for finance of institutions of higher education may be made by the legislature.

(b) The legislature shall make suitable provision for finance of the educational interests of the state. *The financing of the educational interests of the state is exclusively a legislative power under article 2 of the constitution of the state of Kansas and as such shall be established solely by the legislature.*

(c) No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law. The legislature may authorize the state board of regents to establish tuition, fees and charges at institutions under its supervision.

(~~e~~) (d) No religious sect or sects shall control any part of the public educational funds."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to expressly state that the financing of the educational interests of this state is exclusively a legislative power and is to be determined solely by the legislature.

"A vote for this proposition would make financing of the educational interests of this state determined solely by the legislature.

"A vote against this proposition would retain the current provision in the Kansas constitution, which has been interpreted by the Kansas Supreme court as empowering that court to order the Kansas legislature to fund public schools in whatever amounts that the Kansas Supreme court may determine necessary."

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 election in August in the year 2014 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, Elections and Local Government: **SB 97, SB 98, SB 99, SB 100.**

Federal and State Affairs: **SB 102.**

Public Health and Welfare: **SB 95.**

Transportation: **SB 96, SB 101.**

COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION

January 31, 2013

Patti Petersen-Klein, Executive Director, and Jesse Borjon, Director of Public Affairs and Consumer Protection, submitted the annual report to the 2013 Legislature regarding Utilities and Common Carriers.

Pursuant to the requirements of KSA 2011 Supp. 66-2005 as amended by SB 350, HB 2637 and SB 72, which were enacted by the 2006, 2008 and 2011 Legislatures, respectively regarding Annual Price Deregulation Report was submitted by Patti Petersen-Klein, Executive Director.

Pursuant to the requirements of KSA 66-1282, Patti Petersen-Klein, Executive Director, Jeff McClanahan, Director Utilities Division, and Michael Wegner, Chief Energy Operations, submitted the 2013 Biennial Report on Electric Supply and Demand.

The president announced that 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 2023.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2023 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1707—

A RESOLUTION congratulating the Shawnee Mission West High School Football Team on winning the 2012 Kansas 6A State football championship.

WHEREAS, The Shawnee Mission West High School football team won the 2012 Kansas 6A State championship with a 19-14 victory over Hutchinson High School on November 24, 2012, in Topeka, Kansas; and

WHEREAS, This championship is the first state football title the Shawnee Mission West Vikings have won since 1985; and

WHEREAS, The Vikings, led by Coach Callaghan, finished the 2012 season with a remarkable record of 12-1; and

WHEREAS, The members of the championship team are: Joey Reed, Jaunyah Stallings, Kenny McKenzie, Raymond Cherry, Alec Dinges, Javier Lara Salgado, Shane Hutsell, Ben Lake, Dom Tuma, Cooper Arner, Chris Garcia, Ronnie Thompson, Rob Rice, Jordan Neff, A.J. Verdini, P.D. Delaney, Kez Demby, Javin Austin, Isaiah Macklin, Brett Sterbach, Bryce Taylor, Andre Maloney, Asher Goldston, Carredyn Steele, Jordan Dillard, Jerayle Christopher, D'Ante Walker, Tory Powell, Steffon Ward, Alexander Martin, Rashaun Owens, Andre Pettit, Quinn Harrold, Lee Spight, Tanner Clark, Max Bullard, Marquan Osbey, Tyler Haley, Ryan Cheshire, Aaron Brown, Matt Spellman, Isaac Lopez, Nigel Baselle, Mark Stapleton, Carter Pembridge, Austin Chambers, Joel Spiller, D.J. Hobbs, Mitchell Wade, and Austin Dvorak; and

WHEREAS, Coach Callaghan just finished his tenth year coaching the Shawnee Mission West Viking football team. This championship marks Callaghan's second appearance in the 6A State football championship game, with his first appearance being in 2006, also against the Hutchinson High Salthawks. Coach Callaghan was named 2012 Chiefs Kansas High School Coach of the Year, and also received the Coach of the Week award from the Chiefs after the Vikings' victory over rival Shawnee Mission East High School: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Shawnee Mission West High School football team and Coach Callaghan for winning the 2012 Kansas 6A State football championship. Their hard work and athleticism are points of pride for their families, school and the Shawnee Mission community. We wish the athletes and Coach Callaghan continued success on and off the football field; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Smith.

On emergency motion of Senator Smith **SR 1707** was adopted unanimously.

The coaches and football team were introduced and honored with a standing ovation.

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1708—

A RESOLUTION congratulating Joanne Budler on receiving the 2013 Librarian of the Year Award from the *Library Journal*.

WHEREAS, Joanne Budler, the Kansas State Librarian, is *Library Journal's* choice for 2013 Librarian of the Year; and

WHEREAS, Jo Budler was appointed State Librarian for the State of Kansas in March 2010 by Kansas Governor, Mark Parkinson. Ms. Budler was reappointed in 2011 by Governor Sam Brownback; and

WHEREAS, Before coming to Kansas, Ms. Budler served as the State Librarian of Ohio for six years. Previously, she was the Deputy State Librarian for the Library of Michigan and the Director of Network Services in Nebraska; and

WHEREAS, Ms. Budler, originally from Queens, New York, graduated from Syracuse University with a Bachelor of Arts degree in English/Composition. She received her Master's degree in Library Science and another Master's degree of Fine Arts in Writers' Workshop, both from the University of Iowa; and

WHEREAS, Shortly after coming to Kansas, Ms. Budler worked hard to preserve the Kansas Library's collection in electronic format by creating a new e-book platform. This new platform saved the State of Kansas a considerable amount of money and is now being used by several e-book users of America's libraries; and

WHEREAS, Ms. Budler's dedication to the Kansas State Library is an inspiring example of hard work and ingenuity. Her work for the State Library is appreciated by all Kansans, and her inventive problem-solving skills provide a true asset to the Kansas State Library: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Joanne Budler on receiving the 2013 Librarian of the Year Award from the *Library Journal*. Her award will be celebrated by Kansans across the state as they appreciate the State Library's new e-book platform; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Joanne Budler.

On emergency motion of Senator V. Schmidt **SR 1708** was adopted unanimously.

Mrs. Budler was introduced and honored with a standing ovation. Her husband, daughter and staff were also guests.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 16** be passed.

Also, **SB 58** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 19 be amended on page 2, by striking all in lines 27 through 32 and inserting: "(2) "Undue influence" means the use by an individual who stands in a position of trust or confidence of the individual's role, relationship or authority to wrongfully exploit the trust, dependency or fear of a dependent adult to gain control over the decision-making of such dependent adult, including decision-making related to finances, property, residence and health care."; and the bill be passed as amended.

SB 40 be amended on page 1, in line 8, after "murder" by inserting "in the first degree"; in line 9, after "3401," by inserting "prior to its repeal, or K.S.A. 2012 Supp. 21-5402,"; also in line 9, after "21-3502," by inserting "prior to its repeal, or K.S.A. 2012 Supp. 21-5503,"; and the bill be passed as amended.

SB 61 be amended on page 22, in line 6, by striking "shall" and inserting "may"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned pro forma until 8:00 a.m., Friday, February 1, 2013.

Journal of the Senate

FOURTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 1, 2013, 8:00 a.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were introduced and read by title:

SB 109, AN ACT concerning lobbying and the use of public funds, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1609—

By Committee on Commerce

A PROPOSITION to amend article 12 of the constitution of the state of Kansas by adding a new section thereto, concerning economic freedom.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 12 of the constitution of the state of Kansas is hereby amended by adding a new section to read as follows:

"§7. Economic freedom amendment; prohibiting transfer of ownership interests in entities formed under Kansas law to the federal government. Any transfer to the United States, or any entity controlled by the United States, of any ownership interest in any entity formed pursuant to the laws of this state shall be prohibited, provided, the foregoing prohibition shall not apply to any investments through pension funds operated by the United States or any entity controlled by the United States."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to prohibit nationalization of Kansas businesses.

"A vote for this proposition would prohibit the transfer of any ownership interest in any business or any other entity formed under Kansas law to the federal government, or an entity controlled by the federal government. This prohibition would not apply to investments in pension funds operated by the federal

government or by an entity controlled by the federal government.

"A vote against this proposition would retain the current status in which the Kansas constitution does not address transfers to the federal government of ownership interests in entities formed under Kansas law."

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 2014 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:

Assessment and Taxation: **SB 106**.

Commerce: **HB 2023**.

Education: **SB 103, SB 104, SB 105**.

Ethics, Elections and Local Government: **SB 108**.

Judiciary: **SCR 1608**.

Public Health and Welfare: **SB 107**.

REPORT ON ENROLLED BILLS

SR 1706 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 31, 2013.

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:

Lana Gordon, serves at the pleasure of the Governor.

On motion of Senator Lynn, the Senate adjourned until 2:30 p.m., Monday, February 4, 2013.

Journal of the Senate

FIFTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 4, 2013, 2:30 p.m.

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

The roll was called with thirty-nine senators present.

Senator Emler was excused.

Invocation by Father Don Davidson:

God our heavenly Father, when the thought of you wakes in our hearts, let its awakening not be like a startled bird that flies about in fear. Instead, let it be like a child waking from sleep with a heavenly smile. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 110, AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 111, AN ACT designating native American legislative day at the capitol; amending K.S.A. 35-205 and repealing the existing section, by Senator Faust-Goudeau.

SB 112, AN ACT concerning alcoholic liquor; relating to the production and transportation of homemade fermented beverages; amending K.S.A. 41-407 and K.S.A. 2012 Supp. 41-102, 41-104 and 41-501 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 113, AN ACT concerning credit unions; pertaining to certain loans; amending K.S.A. 17-2216 and 17-2216a and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 114, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing; creating the Kansas agricultural opportunity act; amending K.S.A. 74-8826 and 74-8836 and K.S.A. 2012 Supp. 74-8734, 74-8741, 74-8744, 74-8746, 74-8747, 74-8751, 74-8823 and 74-8831 and repealing the existing sections; also repealing K.S.A. 74-8824, by Committee on Federal and State Affairs.

SB 115, AN ACT concerning residential real estate sales; relating to mandatory testing for radon; amending K.S.A. 2012 Supp. 58-3078a and repealing the existing section, by Committee on Ways and Means.

SB 116, AN ACT concerning real estate brokers and salespersons, relating to payment of referral fees; amending K.S.A. 58-3076 and 58-30,105 and K.S.A. 2012 Supp. 58-3038 and 58-3062 and repealing the existing sections, by Committee on Ways and Means.

SB 117, AN ACT concerning the highway patrol training center fund; amending K.S.A. 74-2134 and repealing the existing section, by Committee on Ways and Means.

SB 118, AN ACT concerning crimes, criminal procedure and punishment; relating to reporting and investigation of missing persons; amending K.S.A. 2012 Supp. 75-712b and 75-712c and repealing the existing sections, by Senator Smith.

SB 119, AN ACT concerning state legislatures; relating to re-employment, by Senator Smith.

SB 120, AN ACT concerning agriculture; enacting the Kansas farmers' market promotion act, by Committee on Agriculture.

SB 121, AN ACT concerning state institutions; regarding licensure and renewal of licenses; amending K.S.A. 65-429 and repealing the existing section, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were referred to Committees as indicated:

Commerce: **SCR 1609**.

Ethics, Elections and Local Government: **SB 109**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2006**, **HB 2022**.

INTRODUCTION OF HOUSE BILLS

HB 2006, **HB 2022** were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1707, **SR 1708** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 4, 2013.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 5, 2013.

Journal of the Senate

SIXTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 5, 2013, 2:30 p.m.

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

O Lord, our Morning Star,
Splendor of Light Eternal,
Shining with the glory of the rainbow,
Come and waken us
From the greyness of our apathy,
And renew in us your gift of hope.
Whatever troubles us, let us see your light
Whatever gives us doubt, let us hear your hope
Whatever frustrates us, let us accept your grace
Whatever disrupts us, let us touch your heart.
In all things let us feel your presence. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 122, AN ACT concerning the Kansas administrative procedure act; service of order or notice; amending K.S.A. 2012 Supp. 77-531 and repealing the existing section, by Committee on Judiciary.

SB 123, AN ACT concerning the Kansas restraint of trade act; amending K.S.A. 50-101 and 50-112 and repealing the existing sections, by Committee on Judiciary.

SB 124, AN ACT concerning the Kansas restraint of trade act; amending K.S.A. 50-101, 50-112 and 50-161 and repealing the existing sections, by Committee on Judiciary.

SB 125, AN ACT concerning enforcement of support orders; relating to income withholding; income withholding act; support enforcement services; amending K.S.A. 39-7,148 and K.S.A. 2012 Supp. 23-3102, 23-3103, 23-3104, 23-3105 and 39-7,147 and repealing the existing sections, by Committee on Judiciary.

SB 126, 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. 2012 Supp. 21-5419, 21-6614, 21-6618, 21-6620, 21-6622, 21-6626, 21-6628, 21-6629, 21-6806, 22-3717, 22-3728, 22-4902, 22-4906, 38-2255, 38-2271, 38-2312, 38-2365, 39-970, 65-5117, 72-1397 and 75-52,148 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 21-5401, 21-6617 and 21-6619, by Committee on Judiciary.

SB 127, AN ACT concerning utilities; relating to cooperatives; member refunds; amending K.S.A. 17-4623 and repealing the existing section, by Committee on Federal and State Affairs.

SB 128, AN ACT concerning the career technical education incentive program; amending K.S.A. 2012 Supp. 72-4489 and repealing the existing section, by Committee on Education.

SB 129, AN ACT concerning the state bank commissioner; pertaining to fees; pertaining to costs of certain hearings; amending K.S.A. 9-804 and K.S.A. 2012 Supp. 9-1111, 9-1135, 9-1402, 9-1804, 9-2107, 9-2108 and 9-2111 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 130, AN ACT concerning investment of public moneys by governmental subdivisions; relating to inflation protected investments; amending K.S.A. 2012 Supp. 12-1675 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 131, AN ACT concerning school finance; relating to capital outlay funds; amending K.S.A. 72-8804 and 72-8812 and K.S.A. 2012 Supp. 72-8801 and repealing the existing sections, by Committee on Ways and Means.

SB 132, AN ACT concerning school finance; relating to the financing of ancillary school facilities; amending K.S.A. 2012 Supp. 72-6441 and repealing the existing section, by Committee on Ways and Means.

SB 133, AN ACT concerning school districts; relating to school finance; authorizing a local activities budget, by Committee on Ways and Means.

SB 134, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2013, June 30, 2014, and June 30, 2015, 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; amending K.S.A. 2012 Supp. 76-3,107 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: **SB 120**.

Commerce: **SB 115, SB 116; HB 2022**.

Ethics, Elections and Local Government: **SB 119**.

Federal and State Affairs: **SB 111, SB 112, SB 114**.

Financial Institutions and Insurance: **SB 113**.

Judiciary: **SB 118; HB 2006**.

Public Health and Welfare: **SB 121**.

Ways and Means: **SB 110, SB 117**.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 26** be passed.

Also, **SB 24**, **SB 25** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 6, 2013.

Journal of the Senate

SEVENTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 6, 2013, 2:30 p.m.

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

O Lord,
You know how busy I must be this day.
If I forget you,
Do not forget me.

O Lord,
You know how difficult it is to love everyone
If I have trouble loving my neighbor
Please love them even more for me.

O Lord,
You know I have trouble seeing my own faults
If I judge the faults of others too harshly
Please remind me of my own.

This is the day that all of this can be done
In your Name. Amen

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

POINT OF PERSONAL PRIVILEGE

Senator Wolf acknowledged Prairie Village City Hall Day and recognized guests Ron Shaffer, Mayor, Brooke Morehead, Councilmember, Ruth Hopkins, Councilmember, Quinn Bennion, City Administrator, Dennis Enslinger, Assistant City Administrator and Dale Warman.

Senator King recognized Labette County Leadership Group.
The Senators acknowledged the guests with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 135, AN ACT concerning the boiler safety act; transferring duties from the secretary of labor to the state fire marshal; amending K.S.A. 44-916, 44-917, 44-918, 44-919, 44-920, 44-921, 44-922, 44-923, 44-924, 44-925, 44-927 and 44-929 and K.S.A. 2012 Supp. 44-636, 44-914, 44-915, 44-926 and 44-928 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 136, AN ACT concerning drivers' licenses and nondriver identification cards; relating to veterans; amending K.S.A. 2012 Supp. 8-243 and 8-1324 and repealing the existing sections, by Committee on Transportation.

SB 137, AN ACT concerning school districts; relating to bullying; amending K.S.A. 2012 Supp. 72-8256 and repealing the existing section, by Committee on Education.

SB 138, AN ACT concerning licensing of public adjusters; amending K.S.A. 2012 Supp. 40-5502 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 139, AN ACT concerning money transmitters; amending K.S.A. 2012 Supp. 9-508, 9-509, 9-510, 9-511, 9-513, 9-513c and 9-513d and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 140, AN ACT concerning immigration; relating to enforcement of federal immigration laws; determination of citizenship; cooperative agreements; validity of certain contracts; eligibility for certain public benefits; effect of immigration status on criminal appearance bonds; amending K.S.A. 2012 Supp. 22-2802 and repealing the existing section; also repealing K.S.A. 2012 Supp. 22-2802c, by Committee on Judiciary.

SB 141, AN ACT concerning abortion; relating to abortions performed solely because of the gender of the unborn child, by Senators Pilcher-Cook, Abrams, Apple, Arpke, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith and Tyson.

SB 142, AN ACT concerning abortion; relating to civil actions related to the performance of abortions; amending K.S.A. 60-1901 and repealing the existing section, by Senators Pilcher-Cook, Abrams, Apple, Arpke, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Powell, Pyle and Smith.

SB 143, AN ACT concerning certain statewide elected officials; amending K.S.A. 25-101b and 25-4001 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 144, AN ACT concerning intercollegiate athletics; relating to an annual basketball game between the division I universities of the state, by Committee on Ways and Means.

SB 145, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 12-344, 13-1220, 13-1221, 19-2680, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-1115, 25-2006, 25-2007, 25-2010, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419 and 72-8008 and K.S.A. 2012 Supp. 2-624, 12-363, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122, 25-2020, 25-2102, 25-

2108a, 25-2110, 25-2311 and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037 and 12-1038, by Committee on Ways and Means.

SB 146, AN ACT concerning agriculture; relating to milk, cream and dairy products; definitions; on-farm retail sales of milk and milk products; amending K.S.A. 2012 Supp. 65-771 and repealing the existing section, by Committee on Agriculture.

SB 147, AN ACT concerning agriculture; relating to fertilizers; anhydrous ammonia; permits; fees; liability insurance requirement; affidavit; anhydrous ammonia fee fund; amending K.S.A. 2-1212 and 2-1217 and K.S.A. 2012 Supp. 2-1220 and repealing the existing sections, by Committee on Agriculture.

SB 148, AN ACT concerning raffles; amending K.S.A. 74-8802 and K.S.A. 2012 Supp. 21-6403 and 74-8702 and repealing the existing sections, by Senator LaTurner.

SB 149, AN ACT concerning drug screening; relating to recipients of cash assistance and unemployment benefits; amending K.S.A. 2012 Supp. 39-709e and 44-706 and repealing the existing sections, by Committee on Commerce.

SENATE CONCURRENT RESOLUTION No. 1610

By Committee on Ethics, Elections and Local Government

A PROPOSITION to amend section 1 of article 1 of the constitution of the state of Kansas, relating to the constitutional officers of the executive department of state government.

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 1 of article 1 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 1. Executive officers; selection; terms. The constitutional officers of the executive department shall be the governor, lieutenant governor, secretary of state, and attorney general, who shall have such qualifications as are provided by law. Such officers shall be chosen by the electors of this state at the time of voting for members of the legislature in the year 1974 and every four years thereafter, and such officers elected in 1974 and thereafter shall have terms of four years which shall begin on the second Monday of January next after their election, and until their successors are elected and qualified. In the year 1974 and thereafter, at all elections of governor and lieutenant governor the candidates for such offices shall be nominated and elected jointly in such manner as is prescribed by law so that a single vote shall be cast for a candidate for governor and a

candidate for lieutenant governor running together, and if such candidates are nominated by petition or convention each petition signature and each convention vote shall be made for a candidate for governor and a candidate for lieutenant governor running together. No person may be elected to more than two successive terms as governor, nor to more than two successive terms as lieutenant governor, *nor to more than two successive terms as secretary of state, nor to more than two successive terms as attorney general.*"

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of the amendment is to limit the election of the secretary of state and attorney general to two successive terms.

"A vote for this proposition would impose the two-term limit upon the holding of such offices.

"A vote against this proposition would allow such officers to seek reelection without restriction."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2014 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:

Education: **SB 128, SB 131, SB 132, SB 133.**

Ethics, Elections and Local Government: **SB 130.**

Financial Institutions and Insurance: **SB 129.**

Judiciary: **SB 122, SB 123, SB 124, SB 125, SB 126.**

Utilities: **SB 127.**

Ways and Means: **SB 134.**

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 79** be amended on page 3, following line 5, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision

thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2012 Supp. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2012

Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2012 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2012 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2012 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2012 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2012 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2012 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2012 Supp. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For all taxable years beginning after December 31, 2012, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental

as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For all taxable years beginning after December 31, 2012, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxi) For all taxable years beginning after December 31, 2012, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For all taxable years beginning after December 31, 2012, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For all taxable years beginning after December 31, 2012, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2012 Supp. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For all taxable years beginning after December 31, 2012, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and

phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2012 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For all taxable years beginning after December 31, 2012, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner

which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.";

And by renumbering sections accordingly;

On page 13, in line 10, after "Supp." by inserting "79-32,117,";

On page 1, in the title, in line 3, after "Supp." by inserting "79-32,117,"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 36** be amended by substituting a new bill to be designated as "Senate Substitute for SENATE BILL No. 36," as follows:

"SENATE Substitute for SENATE BILL No. 36

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; relating to clubs and drinking establishments; permitting tastings on licensed premises; amending K.S.A. 2012 Supp. 41-2601, 41-2637, 41-2640, 41-2641, 41-2642 and 79-41a02 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 107** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into committee of the whole for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Donovan the following report was adopted:

Recommended **SB 26** be passed.

SB 19, SB 21, SB 34, SB 40, SB 46, SB 61 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Pettey to amend **SB 61** failed and the following amendment was rejected: on page 3, in line 16, by striking "human trafficking victim assistance fund created by section 3"

On page 6, following line 14, by inserting:

"New Sec. 8. There is hereby established in the state treasury the juvenile detention facilities victim assistance fund. All moneys credited to such fund shall be used for payments to counties for the cost of care, treatment and other services in juvenile detention facilities for juveniles who have been subjected to human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, or who have committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto. 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 commissioner of juvenile justice or the commissioner's designee.";

On page 7, in line 31, by striking "the entire amount to the human trafficking victim assistance fund"; in line 32, by striking "established by section 3" and inserting "50% to the human trafficking victim assistance fund created by section 3, and amendments

thereto, and 50% to the juvenile detention facilities victim assistance fund created by section 8";

On page 21, in line 17, by striking "human"; in line 18, by striking "trafficking victim assistance fund created by section 3" and inserting "state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 50% to the human trafficking victim assistance fund created by section 3, and amendments thereto, and 50% to the juvenile detention facilities victim assistance fund created by section 8";

On page 22, in line 3, by striking all following "the"; in line 4, by striking "section 3" and inserting "state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 50% to the human trafficking victim assistance fund created by section 3, and amendments thereto, and 50% to the juvenile detention facilities victim assistance fund created by section 8";

And by renumbering section accordingly

SB 16 be amended by motion of the committee amendments, be further amended by motion of Senator Petersen, on page 2, in line 20, following "Any" by inserting "felony or misdemeanor" and **SB 16** be passed as amended.

SB 35 be amended by motion of the committee amendments, be further amended by motion of Senator Ostmeyer, in line 36, by striking "sale" and inserting "furnishing" and **SB 35** be passed as further amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 7, 2013.

Journal of the Senate

EIGHTEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 7, 2013, 2:30 p.m.

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

The roll was called with thirty-eight senators present.

Senators Apple and Powell were excused.

Invocation by Father Don Davidson:

Heavenly Father, we your children are called upon many times in life to be new at something. It might be the first day of school, or that first date. It might be the first day of married life or as a parent. It could be the first day we try a new skill or a new sport or try as we might to figure out some new easy whiz-bang of technology.

Today we give thanks for the faithful and the fearless that have joined this body of legislators this year. We thank you for their willingness to serve and their personal desire to make their state and nation a wonderful place to live. May your grace be with them always.

We also celebrate the life of Margaret Ann Apple, the mother of our Senator Apple. May she rest this day in your arms. Amen.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

SB 150, AN ACT concerning the state and its municipalities; regarding specifications for certain contracts, by Committee on Ethics, Elections and Local Government.

SB 151, AN ACT concerning public officials; relating to term limits for senators and members of the house of representatives of the United States congress, by Committee on Ethics, Elections and Local Government.

SB 152, AN ACT concerning health insurance; pertaining to continuation of health insurance for spouse and dependent children of firefighters and law enforcement officers; amending K.S.A. 2012 Supp. 40-1709 and repealing the existing section, by Committee on Ways and Means.

SB 153, AN ACT concerning water; relating to dams; amending K.S.A. 2012 Supp. 82a-301, 82a-302 and 82a-303b and repealing the existing sections, by Committee on Ways and Means.

SB 154, AN ACT concerning utilities; relating to net metering; excess energy generated by customer-generator; amending K.S.A. 2012 Supp. 66-1266 and repealing the existing section, by Committee on Utilities.

Committee on **Financial Institutions and Insurance** introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1710—

A RESOLUTION encouraging the state of Kansas to enter into a state partnership health insurance exchange.

WHEREAS, The patient protection and affordable care act (public law 111-148), as amended by the federal health care and education reconciliation act of 2010 provided that states have the option to establish their own health insurance exchange; and

WHEREAS, The time for the state of Kansas to establish its own health insurance exchange pursuant to the patient protection and affordable care act (public law 111-148), as amended by the federal health care and education reconciliation act of 2010 has passed; and

WHEREAS, If the state of Kansas wishes to have any control over any health care exchange which may sell health insurance policies in this state, then the state of Kansas should seriously consider entering into a state partnership health insurance exchange with the federal department of health and human services; and

WHEREAS, Entry into a state partnership health insurance exchange with the federal department of health and human services would be highly beneficial to the people of this state because the department of insurance then could continue to approve insurance rates, as well as approve policies offered on the exchange, and assist Kansas consumers with their complaints; and

WHEREAS, The time period in which the state of Kansas can enter into a state partnership health insurance exchange is quite short and ends on February 15, 2013: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we encourage the commissioner of insurance to take all steps necessary to enter into a state partnership health insurance exchange with the federal department of health and human services.

Be it further resolved: That the Secretary of the Senate shall send enrolled copies of this resolution to Governor Sam Brownback; Sandy Praeger, Commissioner of Insurance; and Kathleen Sebelius, Secretary of the Department of Health and Human Services.

Committee on **Federal and State Affairs** introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1711—

A RESOLUTION opposing the black-footed ferret programmatic safe harbor agreement and environmental assessment.

WHEREAS, The United States fish and wildlife service reintroduced black-footed ferrets into Logan county, Kansas as part of a recovery effort in December 2007; and

WHEREAS, The reintroduction has been expensive, unsuccessful and wrought with problems ranging from destructive prairie dog infestations to monetary losses for Kansas landowners; and

WHEREAS, The U.S. fish and wildlife service has drafted a black-footed ferret programmatic safe harbor agreement and an environmental assessment to encourage

non-federal landowners to voluntarily allow reintroduction of black-footed ferrets on their properties; and

WHEREAS, The safe harbor agreement and environmental assessment is insufficient and misleading. It was developed rashly and without adequate information; and

WHEREAS, No environmental impact statement was conducted despite the fact that it is required when major federal action significantly impacts the human environment; and

WHEREAS, The U.S. fish and wildlife service did not coordinate with county or local governments in the development of the safe harbor agreement; and

WHEREAS, The safe harbor agreement included no reference or discussion of conflicts with local government plans, even though Logan county has a plan opposing the ferret introduction; and

WHEREAS, The safe harbor agreement failed to mention the impact to non-enrolled, adjacent landowners in the present and the future, despite the fact that there is evidence that the introduction of black-footed ferrets in Logan county has detrimentally affected neighboring landowners; and

WHEREAS, There has been a complete disregard for the risk to the health and safety of Kansans because of plague outbreaks. The plague is now present in all 12 states where black-footed ferrets have been introduced: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we have an obligation and responsibility to represent the interests of the people of this state and promote economic stability, encourage a sound environment and protect the health, safety and welfare of our citizens.

Be it further resolved: That we oppose the black-footed ferret programmatic safe harbor agreement and environmental assessment, request that the U.S. fish and wildlife service exclude Kansas from the territory contained in the safe harbor agreement and request that the U.S. fish and wildlife service refrain from further releases of black-footed ferrets in Kansas.

Be it further resolved: That should the U.S. fish and wildlife service move forward with the safe harbor agreement in Kansas against the wishes of the Senate of the State of Kansas, we strongly encourage the U.S. fish and wildlife service to use a formal rule-making process to stipulate protection of all private landowners in areas where releases of the black-footed ferret might occur, rather than utilize the informal safe harbor agreement.

Be it further resolved: That should the U.S. fish and wildlife service move forward with the safe harbor agreement in Kansas against the wishes of the Senate of the State of Kansas, we strongly encourage the U.S. fish and wildlife service to conduct an environmental impact statement before moving forward.

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the administrator of the U.S. fish and wildlife service; the governors, state legislatures and congressional delegations of Arizona, Colorado, Montana, New Mexico, South Dakota, Utah and Wyoming; the Kansas congressional delegation; the U.S. secretary of agriculture; and the Kansas secretary of agriculture.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 146, SB 147.**

Commerce: **SB 149**.
Education: **SB 137**.
Ethics, Elections and Local Government: **SB 143, SB 145; SCR 1610**.
Federal and State Affairs: **SB 135, SB 140, SB 148**.
Financial Institutions and Insurance: **SB 138, SB 139**.
Judiciary: **SB 142**.
Public Health and Welfare: **SB 141**.
Transportation: **SB 136**.
Ways and Means: **SB 144**.

MESSAGE FROM THE GOVERNOR

February 5, 2013

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 13-438 for your information.

SAM BROWNBACK
Governor

The Vice President announced Executive Directive No. 13-438, Authorizing Expenditure of Federal Funds, 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 2009, HB 2060**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2009, HB 2060 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Francisco, Haley and Pettey introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1709—

A RESOLUTION congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation.

WHEREAS, The University of Kansas Cancer Center received National Cancer Institute designation in July 2012, fulfilling the university's top research priority; and

WHEREAS, The University of Kansas Cancer Center has been providing the community with cancer treatment and researching cancer since the early 1970s; and

WHEREAS, The KU Cancer Center has built a Midwest Cancer Center Alliance network of hospitals across the state, providing greater access to top cancer care for Kansans; and

WHEREAS, The University of Kansas Cancer Center is now one of only 67 cancer centers across the nation to receive National Cancer Institute designation; and

WHEREAS, Dr. Roy Jensen, MD, has worked tirelessly along with his staff for the University of Kansas Cancer Center to obtain this designation, which labels KU Cancer Center as one of the best cancer centers in the country; and

WHEREAS, National Cancer Institute designation will allow the University of Kansas Cancer Center to continue to recruit and hire top researchers and apply for funding only available to National Cancer Institute designated centers. This designation will also allow the University of Kansas Cancer Center to expand benefits to members of the Midwest Cancer Alliance, which brings regional cancer research, care and support professionals together; and

WHEREAS, National Cancer Institute designation is an amazing achievement for the University of Kansas, which the community, as well as the entire State of Kansas, can celebrate: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the University of Kansas Cancer Center on receiving National Cancer Institute designation. This is a true accomplishment for the University of Kansas, and it is an award all Kansans can be proud of; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to the University of Kansas Cancer Center.

On emergency motion of Senator Francisco **SR 1709** was adopted unanimously. Dr. Jensen was welcomed to the Senate with a standing ovation.

CONSIDERATION OF APPOINTMENTS

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

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

By the Governor:

On the appointment to the:

Kansas Department of Labor; Secretary:

Lana Gordon, to serve 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The appointment was confirmed.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **SB 107** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

FINAL ACTION ON CONSENT CALENDAR

SB 28, SB 58 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 28, AN ACT authorizing the division of emergency management within the

adjutant general's department to accept certain real property.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Apple, Powell.

The bill passed.

SB 58, AN ACT concerning crimes, criminal procedure and punishment; relating to manufacture of methamphetamine; amending K.S.A. 2012 Supp. 21-5703 and 21-6805 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 16, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; relating to criminal street gangs; forfeiture; amending K.S.A. 2012 Supp. 21-5302, 21-6313 and 60-4104 and repealing the existing sections, 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Haley.

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 19, AN ACT concerning crimes and punishments; relating to mistreatment of a dependent adult; amending K.S.A. 2012 Supp. 21-5417 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 21, AN ACT concerning firearms; relating to definition of firearm; criminal possession of a firearm by a convicted felon; expungement; relating to the personal and family protection act; amending K.S.A. 2012 Supp. 12-16,124, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-7c07 and 75-7c25 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 26, AN ACT concerning insurance; relating to line of insurance and reporting requirements; amending K.S.A. 2012 Supp. 40-4903 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The bill passed.

SB 34, AN ACT concerning the commission on emergency planning and response; membership; amending K.S.A. 2012 Supp. 65-5721 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 35, AN ACT concerning alcoholic beverages; relating to the employment of certain individuals by licensees under the club and drinking establishment act; amending K.S.A. 41-2610 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau,

Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 40, AN ACT concerning crimes, criminal procedure and punishment; relating to DNA evidence; amending K.S.A. 21-2512 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 46, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2012 Supp. 65-2921 and repealing the existing section, 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: V. Schmidt.

Absent or Not Voting: Apple, Powell.

The bill passed, as amended.

SB 61, AN ACT concerning crimes, punishment and criminal procedure; relating to human trafficking; human trafficking advisory board; establishing the human trafficking victim assistance fund; creating the crime of commercial sexual exploitation of a child; relating to selling sexual relations, promoting sexual relations, buying sexual relations; children in need of care; staff secure facilities; amending K.S.A. 22-2530 and K.S.A. 2012 Supp. 12-4106, 12-4120, 12-4516, 21-5301, 21-5302, 21-5303, 21-5401, 21-5502, 21-6419, 21-6420, 21-6421, 21-6614, 21-6626, 21-6627, 21-6806, 21-6815, 22-2515, 22-3601, 22-3717, 22-3901, 22-4902, 22-4906, 38-2202, 38-2231, 38-2232, 38-2242, 38-2243, 38-2255, 38-2312, 38-2361, 41-311, 41-2601, 60-4104 and 68-2255 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Apple, Powell.
The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 8; SCR 1601 reported correctly engrossed January 31, 2013.

REPORT ON ENROLLED BILLS

SCR 1604 reported correctly enrolled, properly signed and presented to the Secretary of State on February 7, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 54** be amended on page 8, by striking all in lines 36 through 43;

On page 9, by striking all in lines 1 through 3;

And by relettering subsections accordingly;

On page 18, by striking all in lines 28 and 29;

And by relettering subsections accordingly;

On page 27, after line 5, by inserting:

"(e) Mapping by governmental agencies when such activity does not involve the locating, relocating, or physical establishment of land boundaries and related monuments or the preparation of original or field retracement of existing descriptions of real property.";

And the bill be passed as amended.

Also, **SB 91** be amended on page 1, following line 13, by inserting:

"(b) There is hereby established in the state treasury the Kansas emergency management and homeland security fund. Moneys deposited in the Kansas emergency management and homeland security fund may be expended for operating expenditures of the adjutant general related to emergency management and homeland security, including, but not limited to, direct and indirect operating expenses. Expenditures from the Kansas emergency management and homeland security fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general or by a person or persons designated by the adjutant general.";

Also on page 1, in line 14, by striking "(b)" and inserting "(c)";

On page 1, in the title, in line 2, after "fund" by inserting "and the Kansas emergency management and homeland security fund"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 51** be passed.

Also, **SB 52** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **SB 59** be passed.

Also, **SB 92** be passed.

SB 41 be amended on page 4, in line 14, before "during" by inserting "and such firearm was readily accessible"; and the bill be passed as amended.

SB 49 be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 32-1130 is hereby amended to read as follows: 32-1130. As used in K.S.A. 32-1131 through 32-1136, and amendments thereto:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) "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 vessel; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(c) "Samples" includes breath supplied directly for testing, which breath is not preserved.

(d) "Vessel" and "operate" have the meanings provided by K.S.A. 32-1102, and amendments thereto.";

Also on page 1, in line 6, by striking "Section 1." and inserting "Sec. 2."; following line 8, by inserting:

"(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 (b) of K.S.A. 32-1130, and amendments thereto, is .08 or more;"

Also on page 1, in line 13, by striking "two" and inserting "three"; in line 15, after "alcohol" by inserting "to a degree that renders the person incapable of safely operating a vessel"; by striking all in lines 21 through 23; in line 31, by striking "(f)" and inserting "(e)";

And by renumbering subsections accordingly;

On page 2, in line 2, by striking "(e)" and inserting "(d)";

And by redesignating sections accordingly;

Also on page 2, in line 14, after "K.S.A." by inserting "32-1130 and"; also in line 14, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after "K.S.A." by inserting "32-1130 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

SB 80 be amended on page 1, in line 11, after "The" by inserting "attorney general in any judicial district or the"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 68** 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 69** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 8, 2013.

Journal of the Senate

NINETEENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 8, 2013, 8:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-three senators present.
Senators Apple, Donovan, Fitzgerald, Longbine, Masterson, Olson and Pettey were excused.

Invocation by Father Don Davidson:

On this Friday morning we thank you Lord for the mistakes we make that make us human. The slips of the tongue which cause our faces to become red; the wrong word said, that confirms our humanity; the bloopers that we wish we could forget and maybe the hat we never should have worn. We thank you Lord for our ability to laugh with each other even at times when we are less than delighted with our own behavior. All of these miss-steps in their own way give us moments of humility that touches our inner selves and gives us a chance to let go of the seriousness and see the beauty. We are all your children Lord, thank you for the moments when the relationship shines through. Amen.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 155, AN ACT concerning technical professions; amending K.S.A. 2012 Supp. 74-7003 and 74-7013 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 156, AN ACT concerning campaign finance; relating to contribution limits; increasing contribution limits to senators; amending K.S.A. 2012 Supp. 25-4153 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 157, AN ACT concerning the personal and family protection act; amending K.S.A. 2012 Supp. 75-7c10 and repealing the existing section, by Committee on Judiciary.

SB 158, AN ACT concerning the open records act; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, by Committee on Judiciary.

SB 159, AN ACT concerning social welfare; relating to reporting of abuse, neglect or

exploitation of certain persons; amending K.S.A. 2012 Supp. 38-2223 and 39-1431 and repealing the existing sections, by Committee on Judiciary.

SB 160, AN ACT concerning local health departments; prohibition of accreditation requirements, by Committee on Public Health and Welfare.

SB 161, AN ACT concerning use of vital statistics; relating to death and unborn child death certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections, by Senators Pilcher-Cook, Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Pyle, Smith, Tyson and Wagle.

SB 162, AN ACT concerning health insurance; relating to small employer contributions to health reimbursement arrangements; providing a tax deduction therefor; amending K.S.A. 2012 Supp. 79-32,117 and repealing the existing section, by Committee on Public Health and Welfare.

SB 163, AN ACT concerning health insurance; relating to mandate lite health benefits plans; commissions; specially designed policies, by Committee on Public Health and Welfare.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **HB 2060**.

Ethics, Elections and Local Government: **SB 150**, **SB 151**.

Financial Institutions and Insurance: **SB 152**; **SR 1710**.

Natural Resources: **SB 153**; **SR 1711**.

Transportation: **HB 2009**.

Utilities: **SB 154**.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 102** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff King in the chair.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 11, 2013.

Journal of the Senate

TWENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 11, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-eight senators present.

Senators Apple and Pettey were excused.

Invocation by Father Don Davidson:

We give thanks today for the witness and ministry of Pope Benedict XVI as we hear of the announcement of his retirement. Growing up in a very different world and culture as Joseph Ratzinger, his great intellect and desire for peace and stability in the world will long be remembered. We pray that his retirement may be one of health and rest. We also remember that on this date 22 years ago Nelson Mandela was released after 27 years in prison. He later served as his nation's president and as a world leader. With these examples, let us always be open to the vision of those who live to bring peace, and share their wisdom and hope with the world in which we live; always remembering they do so with your help. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 164, AN ACT concerning motor vehicles; relating to the administration of motor vehicle functions; amending K.S.A. 2012 Supp. 8-126 and 8-129 and repealing the existing sections, by Committee on Transportation.

SB 165, AN ACT concerning property taxation; relating to authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed or substantially destroyed by calamity, by Senators O'Donnell, Faust-Goudeau and Petersen.

SB 166, AN ACT concerning insurance; pertaining to the insurers supervision, rehabilitation and liquidation act; amending K.S.A. 40-3607 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 167, AN ACT concerning crimes, criminal procedure and punishment; relating to the statute of limitations for rape prosecutions; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, by Senators Faust-Goudeau, Smith, Arpke, Francisco, King and Petersen.

SB 168, AN ACT concerning agriculture; relating to agricultural activities; protection of farmland and agricultural activities from certain nuisance actions; amending K.S.A. 2-3202 and 2-3203 and repealing the existing sections, by Committee on Agriculture.

SB 169, AN ACT concerning schools; relating to pupils and reading proficiency; enacting the Kansas reads to succeed act, 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 162**.

Ethics, Elections and Local Government: **SB 156**.

Federal and State Affairs: **SB 155, SB 157, SB 158**.

Public Health and Welfare: **SB 159, SB 160, SB 161, SB 163**.

MESSAGE FROM THE GOVERNOR

February 5, 2013

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, State Board of Indigent Defense Services, Paul Beck (D) Ness City, pursuant to the authority vested in me by KSA 22-4519 effective upon the date of confirmation by the Senate, to serve a three year term, to expire January 15, 2016.

Member, Kansas Development Finance Authority, Suchitra Padmanabhan (U) 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, to expire January 15, 2017.

Member, Kansas Public Employees' Retirement System Board of Trustees, Kelly Arnold (R) Wichita, 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, 2017.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2013, HB 2028**.

Announcing passage of **HB 2059, HB 2067**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2013, HB 2028, HB 2059, HB 2067 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1709 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 11, 2013.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 12, 2013.

Journal of the Senate

TWENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 12, 2013, 2:30 p.m.

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

We have the most wonderful vision Lord when it comes to what happened yesterday, but our sight is never clear about what may happen tomorrow. On this traditional “fat” Tuesday for many Christians, let us give pause to the wonder of life and the mystery of your continuing creation.

Each day our world changes, sometimes in huge ways other times in ways almost invisible to our eyes yet change it does. We know that we cannot predict every happenstance that might possibly occur, for that knowledge is known only by you who live without the boundary of time.

Help us Lord to respect the decisions of the past, to carefully make the choices of the day and prepare for whatever tomorrow may bring.

In your holy name we pray. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 170, AN ACT concerning counties; relating to the abatement of nuisances, by Committee on Education.

SB 171, AN ACT concerning school districts; relating to the Kansas uniform financial accounting and reporting act; amending K.S.A. 2012 Supp. 72-8254 and repealing the existing section, by Committee on Education.

SB 172, AN ACT concerning school districts; prohibiting the use of Carnegie units for purposes of determining graduation requirements, by Committee on Education.

SB 173, AN ACT concerning school districts; relating to school finance; relating to contributions to the Kansas public employees retirement system, by Committee on Education.

SB 174, AN ACT concerning school districts; relating to certain weightings in the school district finance and quality performance act; amending K.S.A. 72-6415 and K.S.A. 2012 Supp. 72-3715, 72-3716, 72-6407, 72-6414, 72-6415b and 72-6455 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 72-6413, 72-6448, 72-

6454 and 72-6456, by Committee on Education.

SB 175, AN ACT concerning insurance; providing coverage for autism spectrum disorder; amending K.S.A. 2012 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Ways and Means.

SB 176, AN ACT creating the coalition of innovative districts act, by Committee on Ways and Means.

SB 177, AN ACT concerning elections; relating to unauthorized voting disclosures; amending K.S.A. 25-2422 and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 178, AN ACT concerning school districts; relating to the amount of base state aid per pupil; relating to the local option budget; amending K.S.A. 2012 Supp. 72-6410 and 72-6433 and repealing the existing sections, by Senator Hensley.

SB 179, AN ACT concerning employment; relating to employment requirements in certain state contracts; relating to employment requirements for certain state tax benefits; amending K.S.A. 2012 Supp. 12-17,166, 74-50,131, 74-50,212, 79-32,154 and 79-32,243 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly and Pettey.

SB 180, AN ACT concerning the legislature; relating to length of regular sessions, by Senator Haley.

SB 181, AN ACT concerning personal property taxation; relating to motor vehicles; computation of amount of tax; state school district ad valorem tax levy; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Assessment and Taxation.

SB 182, AN ACT concerning taxation; providing food sales tax refunds; homestead property tax refunds for renters; amending K.S.A. 2012 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland and Pettey.

SB 183, AN ACT concerning sales taxation; relating to exemptions; state properties and facilities; amending K.S.A. 2012 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 184, AN ACT concerning the personal and family protection act; amending K.S.A. 2012 Supp. 75-7c10 and repealing the existing section, by Committee on Federal and State Affairs.

SB 185, AN ACT concerning use of vital statistics; relating to death and unborn child death certificates; amending K.S.A. 65-2401 and 65-2412 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 186, AN ACT concerning the personal and family protection act; amending K.S.A. 2012 Supp. 21-6309 and 75-7c10 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 168**.

Assessment and Taxation: **SB 165**.

Committee of the Whole: **HB 2059**.

Education: **SB 169**.

Financial Institutions and Insurance: **SB 166**.
 Judiciary: **SB 167; HB 2013, HB 2028**.
 Public Health and Welfare: **HB 2067**.
 Transportation: **SB 164**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 54** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor and submitted to the Senate for confirmation, was referred to Committee as indicated:

By the Governor:

Kansas Development Finance Authority:

Suchitra Padmanabhan, to serve a four year term to expire January 15, 2017.
 (Ways and Means)

By the Governor

Kansas Public Employees' Retirement system Board of Trustees:

Kelly Arnold, to serve a four year term, to expire January 15, 2017.
 (Ways and Means)

By the Governor

State Board of Indigents Defense Services:

Paul Beck, to serve a three year term, to expire January 15, 2016
 (Judiciary)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2015, HB 2034, HB 2081**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2015, HB 2034, HB 2081 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1712—

A RESOLUTION congratulating Bob Koechner on receiving the community service award from the National Society of the Daughters of the American Revolution.

WHEREAS, Bob Koechner was awarded the community service award from the Three Trails West Chapter of the National Society of the Daughters of the American Revolution on February 14, 2013, for his continued commitment to his community; and

WHEREAS, Mr. Koechner worked tirelessly with others to attain running water as a public utility in the Stilwell community by petitioning and recruiting subscribers to help with the cost of construction. He also helped organize a Volunteer Fire Department for Aubry Township, bringing multiple generations of people together to help maintain the safety of the Stilwell community. Along with his wife, Marjorie, Mr. Koechner helped

organize many events for the community throughout the year, including the 4th of July Celebration; and

WHEREAS, Mr. Koechner bravely served his country in both World War II and the Korean Conflict. In addition, Mr. Koechner has been very active in his community church, the Queen of the Holy Rosary in Wea, Kansas, helping however he can, from giving financial support to aiding with construction; and

WHEREAS, Mr. Koechner and his family have continued to manage the Stilwell Oil Company, the oldest business in Stilwell, providing fuels and oils to Stilwell for three generations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Mr. Bob Koechner for receiving the community service award from the Three Trails West Chapter of the National Society of the Daughters of the American Revolution and exhibiting the character and commitment it takes to serve his community daily with a smile on his face. Mr. Koechner serves as a role model not only to the citizens of Stilwell, but to all Kansans, and it is our pleasure to recognize him for this accomplishment. We wish him and his family continued happiness and success; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Bob Koechner.

On emergency motion of Senator Apple **SR 1712** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 78** be amended on page 3, in line 23, by striking "and real property"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

SB 37, SB 51, SB 59, SB 92 be passed.

SB 41, SB 49, SB 80, SB 91 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 36** recommending a **S Sub for SB 36** be adopted, and the substitute bill be passed.

SB 107 be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 13, 2013.

Journal of the Senate

TWENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 13, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-nine senators present.

Senator Emler was excused.

Invocation by Father Don Davidson:

Today Lord is Ash Wednesday for many Christians around the world. The ashes are a reminder of our mortality that each of us have been given a number of days to live and accomplish the works you have called us to do. No matter our individual faith tradition, we give you thanks for our lives, our families and our loved ones. We give you thanks for the land in which we live and the freedoms we enjoy; and with great hope we pray that in breathing the air of each new day, we may serve and love our brothers and sisters on earth and our forebearers in the paradise of heaven. With your help we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 187, AN ACT concerning workers; relating to the workers compensation and employment security boards nominating committee; administrative law judge appointments; workers compensation appeals board; amending K.S.A. 2012 Supp. 44-551, 44-555c and 44-709 and repealing the existing sections, by Committee on Commerce.

SB 188, AN ACT concerning sales taxation; relating to countywide retailers' sales tax; Ellis county; amending K.S.A. 2012 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 189, AN ACT concerning income taxation; relating to credits; expenditures to make dwelling or facility accessible for persons with a disability; amending K.S.A. 2012 Supp. 79-32,177 and repealing the existing section, by Committee on Assessment and Taxation.

SB 190, AN ACT concerning crimes, punishment and criminal procedure; relating to eyewitness identifications, by Senator Haley.

SB 191, AN ACT concerning agricultural corporations; amending K.S.A. 2012 Supp. 17-5903 and 19-101a and repealing the existing sections; also repealing K.S.A. 17-5902 and K.S.A. 2012 Supp. 17-5904, 17-5907 and 17-5908, by Committee on Federal and State Affairs.

SB 192, AN ACT concerning state agencies; relating to acceptable methods of

payment for certain educational institutions; amending K.S.A. 2012 Supp. 75-30,100 and repealing the existing section, by Committee on Federal and State Affairs.

SB 193, AN ACT concerning the state corporation commission; relating to the promulgation of rules and regulations concerning hydraulic fracturing; amending K.S.A. 2012 Supp. 55-152 and repealing the existing section, by Committee on Utilities.

SB 194, AN ACT concerning community developmental disability organizations; functional assessments; amending K.S.A. 39-1805 and repealing the existing section, by Committee on Ways and Means.

SB 195, AN ACT concerning the Kansas employment first initiative act; amending K.S.A. 2012 Supp. 44-1137 and repealing the existing section; also repealing K.S.A. 2012 Supp. 44-1138, by Committee on Ways and Means.

SB 196, AN ACT concerning public charter schools; creating the Kansas public charter school act; amending K.S.A. 2012 Supp. 72-6407, 79-32,117 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A. 2012 Supp. 72-1906, 72-1907 and 72-1910, by Committee on Ways and Means.

SB 197, AN ACT concerning the Kansas dental board; relating to licensure of registered dental practitioners; amending K.S.A. 65-1421, 65-1441, 65-1449, 65-1460, 65-1462, 74-1404 and 74-1406 and K.S.A. 2012 Supp. 65-1424, 65-1431, 65-1434, 65-1436, 65-1447, 65-1469, 65-4915, 65-4921, 65-5912, 65-7304, 74-1405, 75-2935 and 75-6102 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 75-6102c, by Committee on Ways and Means.

SB 198, AN ACT pertaining to the purchase of goods made or manufactured in the United States; enacting the Kansas buy American act, by Senators Hensley, Faust-Goudeau, Haley, Hawk and Pettey.

SB 199, AN ACT concerning the university of Kansas medical center; establishing the midwest stem cell therapy center, by Senators Pilcher-Cook, Abrams, Apple, Arpke, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith and Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 181, SB 182, SB 183.**

Commerce: **SB 179.**

Education: **SB 171, SB 172, SB 173, SB 174, SB 176, SB 178.**

Ethics, Elections and Local Government: **SB 170, SB 177.**

Federal and State Affairs: **SB 184, SB 186.**

Judiciary: **HB 2015, HB 2034, HB 2081.**

Public Health and Welfare: **SB 175, SB 185.**

Ways and Means: **SB 180.**

CHANGE OF REFERENCE

The President withdrew **HB 2059** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **SB 147** from the Committee on **Agriculture**, and referred the bill to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2041**, **HB 2065**, **HB 2114**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2041, **HB 2065**, **HB 2114** were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 24, **SB 25**, **SB 52**, **SB 68**, **SB 69** and **SB 102** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 24, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurance companies; amending K.S.A. 2012 Supp. 40-2c01 and 40-2c05 and repealing the existing sections.

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

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

Absent or Not Voting: Emler.

The bill passed.

SB 25, AN ACT concerning insurance; relating to risk-based capital requirements for health organizations; amending K.S.A. 40-2d05 and repealing the existing section.

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

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

Absent or Not Voting: Emler.

The bill passed.

SB 52, AN ACT concerning mortgage interest rates; amending K.S.A. 16-207 and repealing the existing section.

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

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

Absent or Not Voting: Emler.

The bill passed.

SB 68, AN ACT concerning motor vehicles; relating to driver's licenses; examinations, locations; amending K.S.A. 2012 Supp. 8-235d and repealing the existing section.

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

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

Absent or Not Voting: Emler.

The bill passed.

SB 69, AN ACT concerning motor vehicles; relating to vehicle registration; license plates; amending K.S.A. 8-163 and 8-167 and K.S.A. 2012 Supp. 8-136, 8-139, 8-171 and 8-2409 and repealing the existing sections.

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

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

Absent or Not Voting: Emler.

The bill passed.

SB 102, AN ACT concerning the office of the state treasurer; relating to daily deposits; amending K.S.A. 2012 Supp. 75-4203 and repealing the existing section.

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

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

Absent or Not Voting: Emler.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S Sub for SB 36, AN ACT concerning alcoholic beverages; relating to clubs and drinking establishments; permitting tastings on licensed premises; amending K.S.A. 2012 Supp. 41-2601, 41-2637, 41-2640, 41-2641, 41-2642 and 79-41a02 and repealing the existing sections, 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, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle,

Wolf.

Nays: Pyle, Tyson.

Absent or Not Voting: Emler.

The substitute bill passed.

SB 37, AN ACT concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2012 Supp. 58-4501 and repealing the existing section, was considered on final action.

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

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

Nays: Masterson, Melcher, Pilcher-Cook.

Absent or Not Voting: Emler.

The bill passed.

SB 41, AN ACT concerning crimes, criminal procedure and punishment; relating to sentencing; relating to possession of a firearm during a drug crime; amending K.S.A. 2012 Supp. 21-6805 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 49, AN ACT concerning boating and water activities; relating to boating under the influence; amending K.S.A. 32-1130 and 32-1131 and repealing the existing sections, was considered on final action.

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

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

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 51, AN ACT concerning insurance for certain banker's associations; amending K.S.A. 40-2222 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell,

Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Emler.

The bill passed.

SB 59, AN ACT concerning the attorney general; relating to payment of reward for persons providing certain information, was considered on final action.

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

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

Absent or Not Voting: Emler.

The bill passed.

SB 80, AN ACT concerning grand juries; amending K.S.A. 22-3002, 22-3003, 22-3004, 22-3005, 22-3006, 22-3007, 22-3009, 22-3010, 22-3011, 22-3012, 22-3013 and 22-3014 and K.S.A. 2012 Supp. 22-3001 and 22-3008 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, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 91, AN ACT concerning the adjutant general; relating to the funding for disasters; creating the disaster reimbursement fund and the Kansas emergency management and homeland security fund, was considered on final action.

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

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

Absent or Not Voting: Emler.

The bill passed, as amended.

SB 92, AN ACT concerning crimes, punishment and criminal procedure; relating to sexually violent crimes; law enforcement reports on the presence of pornographic materials, 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, Arpke, Bowers, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner,

Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Haley, Pettey.

Present and Passing: Francisco.

Absent or Not Voting: Emler.

The bill passed.

EXPLANATION OF VOTE

Madame President: Reluctantly, I vote “No” on **SB 92**.

There is no need for this bill; and none has been articulated either in the Senate Judiciary Committee or here on the Senate floor. Like adding misdemeanors to a Kansas Racketeering (“R.I.C.O.”) bill that caused me to “Pass” on final action last week. I ask now, what good does checking a box off showing the existence of pornographic materials of someone already arrested for a related crime? And why does this bill have so high of (upwards of \$700,000.) a fiscal note? Where is the transparency promised by your new “Pay As You Go” (Pay-Go) rule if all we really do is inflate legislation with sensitive “act like you're getting tough on crime language?”

Let's keep it real, Madame President. – DAVID HALEY

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1713—

A RESOLUTION congratulating and commending the Vanguard class, 2014 graduating class of the Kansas Academy of Mathematics and Science.

WHEREAS, The Legislature of the State of Kansas enacted legislation in 2006 authorizing the establishment of the Kansas Academy of Mathematics and Science to promote mathematics and science education, increase retention of intellectual capital and promote economic development; and

WHEREAS, The Legislature of the State of Kansas approved five years of funding for the Kansas Academy of Mathematics and Science in 2008; and

WHEREAS, Fort Hays State University is a forward-thinking liberal and applied arts university, and is recognized internationally for offering more than 60 degrees in a technology-rich environment. Fort Hays State University aggressively seeks innovative solutions to meet the educational needs of Kansans and enhance the economic future of the state; and

WHEREAS, 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 was able to establish the Kansas Academy of Mathematics and Science in a single year, allowing Kansas to become the 16th state in the country with an academic early-entry-to-college program offering a unique residential learning experience for high- achieving high school juniors and seniors who are academically talented in science and mathematics; and

WHEREAS, The Kansas Academy of Mathematics and Science provides a unique, hands-on, rigorous research environment with PhD. faculty that focuses on academics, research, leadership development and civic engagement allowing Fort Hays State University to cultivate future citizen- leaders; and

WHEREAS, Graduates of the Kansas Academy of Mathematics and Science receive a high school diploma and 68 hours of college credit; and

WHEREAS, The 2014 graduates of the Kansas Academy of Mathematics and Science are: Elliot Bicker, Hiawatha; Michael Cory, Wichita; Alexander Crider, Wichita; Samuel DeVore, Lyons; Abigail Dishman, Topeka; Mason Gates, Manhattan; Rachel Hasch, Concordia; Gabriel Horton, Topeka; Jonathan Howard, Peru; Eleanor Justin, Overland Park; MinYoung Kim, Gwangju Metropolitan, Korea; Abigail Ladner, Lawrence; DongHee Lee, Seoul, South Korea; Brad Leupold, Hiawatha; Elizabeth Lewis, Lawrence; Morgan Linder, Baldwin City; Alexa Melvin, Topeka; Morgan Murray, Shawnee; Nathaniel Nehring, Wamego; Pratik Patel, Salina; Amber Perdew, Goodland; Quincy Rayls, Topeka; Garrett Redden, Glasco; Laura Rook, Junction City; Christopher Siegle, Council Grove; Briana Singleton, Wichita; Arynne Smallback, Topeka; Tyler Standley, Nickerson; Adam Stenson, Olathe; Tanner Swartz, Alexander; BreAnna Terry, Wichita; Justin Weaver, Benton; Codie Webster, Olsburg; Shelby Young, Chapman; Tianhao Yu, Beijing, China; and Junyu Zhang, Anshun Guizhon, China: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2014 graduates of the Kansas Academy of Mathematics and Science; we wish them continued success in their academic and personal pursuits and encourage them to use their significant gifts to improve the future of their home state; and

Be it further resolved: That the members of the Kansas Senate express gratitude to the educators and support staff who, through their own dedication and commitment to excellence in education in the fields of mathematics and science, have brought this program to fruition through the successes of each graduating class. Their efforts are helping to forge the future for the State of Kansas; and

Be it further resolved: That the Secretary of the Senate shall send 42 enrolled copies of this resolution to the Director of the Kansas Academy of Mathematics and Science for forwarding to each of the 2014 graduates of the Kansas Academy of Mathematics and Science plus six copies for the Director of the Kansas Academy of Mathematics and Science.

On emergency motion of Senator Bruce **SR 1713** was adopted unanimously.

The Senators acknowledged the Vanguard Class with a round of applause.

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

SENATE RESOLUTION No. 1714—

A RESOLUTION commemorating the 150th anniversary of
Kansas State University in Manhattan, Kansas.

WHEREAS, Kansas State University was established by the Territory of Kansas on February 9, 1858, as the Bluemont Central College Association in response to the state's desire to provide higher education opportunities to farm families and the working class in Kansas; and

WHEREAS, On February 3, 1863, Kansas became one of the first states in the nation to accept the terms and conditions of the federal Morrill Act creating the land-grant system of colleges and universities; and

WHEREAS, The Kansas State Agricultural College, today known as Kansas State University, received Kansas' land-grant charter on February 16, 1863, making it the first

operational land-grant institution in the nation; and

WHEREAS, Important technological advancements of the modern world were the result of research at Kansas State University, including: discovering the weather phenomenon El Niño and invention of the snooze alarm and the space pen; and

WHEREAS, Kansas State University became the first university to offer printing courses, which led to journalism courses and eventually to the A.Q. Miller School of Journalism and Mass Communications; and

WHEREAS, Kansas State University helped pioneer the academic teaching of home economics for women, becoming one of the first of two colleges to offer the program of study; and

WHEREAS, Kansas State University, by expanding to campuses in Olathe and Salina and with Research and Extension, has a presence state-wide; and

WHEREAS, The university also has international offices in Australia, Vietnam, China and India; and

WHEREAS, Students attending Kansas State University hail from all 50 states and 90 countries; and

WHEREAS, Kansas State University is a national leader among public universities in the number of Rhodes, Truman, Marshall, Udall and Goldwater scholars; and

WHEREAS, Kansas State University's football team's first game was played on Thanksgiving Day in 1883. The Kansas State University basketball team first played in 1902. Kansas State University intercollegiate athletes compete in the Big XII Conference; and

WHEREAS, More than 200,000 alumni are proud to call Kansas State University their alma mater; graduates include heads of state, leaders of industry, great humanitarians and gifted scientists, whose work has improved the quality of life for people worldwide; and

WHEREAS, Kansas State University's commitment to education is unparalleled; its history and stature are secured by the superlative caliber of its educational professionals and the students they inspire: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and celebrate the 150th anniversary of Kansas State University at Manhattan. Kansas State University provides students of Kansas with incredible educational opportunities, and we urge all Kansans to celebrate its success; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Kansas State University.

On emergency motion of Senator Hawk **SR 1714** was adopted unanimously.

Senator Hawk introduced President Kirk Schulz, Jim Bloodgood, Nate Sprigg, Dale Belliam and Sue Peterson. Senator Hawk presented them copies of the resolution. The guests were recognized with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 41, SB 49, SB 80, SB 91 reported correctly engrossed February 13, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 83** be amended on page 1, in line 19, by striking all following "(d)"; by striking all in lines 20 and 21; in line 22, by striking "(e)"; in line 36, before "All" by inserting "The secretary of revenue shall

remit the first \$350,000 of delinquent taxes, including penalties and interest, collected during any fiscal year for income tax or any other tax that would otherwise be deposited 100% in the state general fund, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the recovery fund for enforcement actions and attorney fees."; and the bill be passed as amended.

Also, **SB 84** be amended on page 3, in line 3, by striking "using" and inserting "utilizing"; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 74** be amended on page 1, following line 25, by inserting:

"(6) "Vocational building program" means the vocational building program operated by the secretary to provide individual, freestanding buildings, not to exceed 1,000 square feet in size, to state agencies for use by such agencies.

(c) The provisions of this section shall not apply to a vocational building program."; And by redesignating subsections accordingly; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 82** be passed.

Committee on **Ways and Means** recommends **SB 2** be passed.

Also, **SB 1** be amended on page 1, in line 28, after "treasurer," by inserting "the legislative division of post audit shall conduct"; also in line 28, by striking "shall be"; in line 29, by striking "conducted"; and the bill be passed as amended.

SB 27 be amended on page 1, in line 22, by striking "and" and inserting "or"; in line 23, by striking "that" and inserting ", whichever such paper or order indicate the location of such person's deployment and"; in line 24, by striking all after "in"; in line 25, by striking all before "any"; and the bill be passed as amended

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Ostmeyer in the chair.

On motion of Senator Ostmeyer the following report was adopted:

Recommended **SB 107** be passed.

HB 2059 be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, February 14, 2013.

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 14, 2013, 2:30 p.m.

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

“God is love and where true love is, God himself is there.” By a mysterious tradition, today our thoughts turn to the wonder of human love and relationships. Those of us who have made vows of lasting commitment; normally make sure that we find an opportunity to send a gift, a card, or song to our love. We thank you Lord for the example of marriages lasting decades and we know in our heart that nothing so rare and wonderful is possible without your presence. Today we give thanks for love, that human mystery that makes life so much more interesting, wonderful if not always unpredictable. We give thanks for those we love and we pray that while we are absent from them, we may love them even more...in your name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 200, AN ACT concerning meetings; relating to open meetings; amending K.S.A. 2012 Supp. 75-4317a and repealing the existing section, by Committee on Ethics, Elections and Local Government.

SB 201, AN ACT concerning school districts; enacting the school district budget law; amending K.S.A. 12-1765, 44-505e, 75-4322, 79-1808 and 79-2925 and K.S.A. 2012 Supp. 12-2615, 72-8415a, 75-37,125, 75-4330, 75-4332, 75-6110, 79-2926 and 79-2927 and repealing the existing sections; also repealing K.S.A. 72-8204a, by Committee on Education.

SB 202, AN ACT concerning agriculture; relating to agricultural production firms; high performance incentive program qualification for certain firms; amending K.S.A. 2012 Supp. 74-50,131 and repealing the existing section, by Committee on Agriculture.

SB 203, AN ACT concerning intoxicating liquor; dealing with club and drinking establishments; amending K.S.A. 2012 Supp. 41-2640 and repealing the existing section, by Committee on Federal and State Affairs.

SB 204, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; certain member elections; retirement benefit determinations, one-time payment; membership; amending K.S.A. 2012 Supp. 74-

49,135, 74-49,205, 74-49,301, 74-49,306, 74-49,308, 74-49,313 and 74-49,315 and repealing the existing sections, by Committee on Ways and Means.

SB 205, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; interest credits and annuity interest rate; amending K.S.A. 2012 Supp. 74-49,306, 74-49,308 and 74-49,313 and repealing the existing sections, by Committee on Ways and Means.

SB 206, AN ACT concerning the oil and gas valuation depletion trust fund; releasing moneys in the county's county oil and gas valuation depletion trust fund to the county general fund; abolishing the fund; amending K.S.A. 2012 Supp. 19-101a and 79-4227 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 19-271 and 79-4231, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 191**.

Assessment and Taxation: **SB 188, SB 189**.

Commerce: **SB 187, SB 195, SB 198**.

Education: **SB 192, SB 196**.

Judiciary: **SB 190; HB 2041, HB 2065, HB 2114**.

Public Health and Welfare: **SB 197, SB 199**.

Utilities: **SB 193**.

Ways and Means: **SB 194**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2011, HB 2096, HB 2141**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2011, HB 2096, HB 2141 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 107, AN ACT concerning public health and social services; relating to powers, duties and functions transferred to Kansas department for aging and disability services from Kansas department for children and families and the department of health and environment; updating references and corresponding changes due to Executive Reorganization Order No. 41, published in chapter 1895 of the 2012 Session Laws of Kansas; amending K.S.A. 12-736, 12-4808, 16-304, 16-311, 17-2264, 17-5829, 20-319, 22-3723, 22a-243, 22a-244, 38-134, 38-320, 38-1808, 38-1817, 38-1819, 38-1820, 38-1821, 38-1822, 38-1901, 38-2002, 39-110, 39-111, 39-702, 39-708c, 39-708d, 39-711a, 39-718b, 39-719e, 39-740, 39-744, 39-751, 39-753, 39-755, 39-758, 39-782, 39-783, 39-786, 39-787, 39-788, 39-7,100, 39-7,100a, 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,109, 39-7,122, 39-7,123, 39-7,125, 39-7,127, 39-7,128, 39-7,130, 39-7,131, 39-7,139, 39-960, 39-1208, 39-1209, 39-1302, 39-1410, 39-1434, 39-1435, 39-1501, 39-1602, 39-1603, 39-1604, 39-1612, 39-1613, 39-1703, 39-1704, 39-1804, 40-2d02, 40-2256, 40-22a05, 40-3227, 41-1126, 59-2006, 59-2006b, 59-2006c, 59-2130, 59-2135, 59-2801, 59-2803, 59-2963, 59-2968, 59-2981, 59-29b57, 59-29b60, 59-29b63, 59-29b78, 59-29b81, 59-3065, 59-3067, 59-3070, 59-3080, 59-3094, 60-2204, 60-2310,

60-2401, 65-116i, 65-116j, 65-116k, 65-116l, 65-116m, 65-1,108, 65-1,120, 65-1,159, 65-1,162, 65-1,165, 65-507, 65-513, 65-2422b, 65-3507, 65-4432, 65-5101, 65-5115, 65-5902, 72-1046, 72-3608, 72-4311, 72-4314a, 72-4316, 72-8239, 72-8243, 72-89a02, 72-89b03, 74-5502, 74-5505, 74-6901, 74-6904, 74-7801, 75-2935c, 75-3303, 75-3303a, 75-3304, 75-3304a, 75-3307, 75-3315, 75-3323, 75-3328, 75-3337, 75-3338, 75-3339a, 75-3340, 75-3343a, 75-3347, 75-3354, 75-3728a, 75-5308e, 75-5309a, 75-5310, 75-5310a, 75-5313, 75-5316a, 75-5319, 75-5320, 75-5321, 75-5326, 75-5328a, 75-5343, 75-5344, 75-5345, 75-5365, 75-5371, 75-5375, 75-5376, 75-5381, 75-5382, 75-5383, 75-5386, 75-5391, 75-5393, 75-53,100, 75-5902, 75-5923, 75-5925, 75-5940, 75-5946, 75-5947, 75-5949, 75-5952, 75-5956, 76-170, 76-175, 76-317, 76-1237, 76-12a16, 76-12a17, 76-12a22, 76-12a30, 76-1528, 76-17a10, 76-17c07, 76-1936, 76-1958 and 78-101 and K.S.A. 2012 Supp. 8-255, 8-1008, 8-1567, 9-1216, 12-4509, 12-4516, 12-4516a, 16-312, 17-1762, 19-4001, 19-4007, 20-378, 20-380, 21-5413, 21-5512, 21-5914, 21-5926, 21-5927, 21-6602, 21-6614, 21-6702, 21-6708, 22-2410, 22-3302, 22-3303, 22-3305, 22-3428, 22-3727a, 22-4612, 23-2202, 23-2203, 23-2204, 23-2209, 23-2212, 23-2213, 23-2219, 23-3102, 23-3109, 23-3113, 23-3114, 23-3121, 23-3210, 23-36,201, 23-36,310, 32-906, 32-918, 32-930, 38-143, 38-144, 38-1604, 38-1608, 38-1664, 38-2202, 38-2212, 38-2222, 38-2223, 38-2226, 38-2247, 38-2261, 38-2282, 38-2304, 38-2310, 38-2312, 38-2319, 38-2326, 38-2335, 38-2350, 38-2356, 38-2361, 39-709, 39-717, 39-754, 39-756, 39-757, 39-760, 39-784, 39-785, 39-7,108, 39-7,129, 39-7,132, 39-7,134, 39-7,135, 39-7,138, 39-7,151, 39-7,155, 39-7,156, 39-7,157, 39-7,158, 39-7,159, 39-7,160, 39-7,162, 39-923, 39-924, 39-926, 39-930, 39-935, 39-936, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-947a, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-968, 39-969, 39-970, 39-971, 39-1002, 39-1202, 39-1402, 39-1404, 39-1405, 39-1406, 39-1407, 39-1408, 39-1409, 39-1411, 39-1430, 39-1431, 39-1432, 39-1433, 39-1436, 39-1443, 39-1605, 39-1803, 40-2,111, 40-2134, 40-3401, 40-4704, 41-2622, 44-508, 44-575, 44-577, 46-922, 46-1208e, 46-2801, 59-2122, 59-2123, 59-2132, 59-2946, 59-2972, 59-2978, 59-29a02, 59-29a07, 59-29a11, 59-29a22, 59-29b46, 59-29b66, 59-3069, 60-2308, 65-1,246, 65-445, 65-503, 65-504, 65-506, 65-508, 65-516, 65-1456, 65-1673, 65-1674, 65-2409a, 65-2422d, 65-2895, 65-3503, 65-3504, 65-3506, 65-4024a, 65-4024b, 65-4412, 65-6205, 65-6207, 65-6210, 65-6214, 65-6217, 65-6218, 65-6220, 65-6501, 65-6502, 65-6503, 65-6610, 72-962, 72-973, 72-997, 72-1113, 72-53,106, 72-6407, 72-8187, 72-8223, 73-1209, 74-32,151, 74-32,160, 74-32,161, 74-4902, 74-4911f, 74-4927, 74-5602, 74-6703, 74-8917, 74-9501, 75-723, 75-725, 75-2935, 75-3306, 75-3307b, 75-3329, 75-3339, 75-37,121, 75-4265, 75-4266, 75-4375, 75-4376, 75-4378, 75-5268, 75-5301, 75-5366, 75-5367, 75-5397a, 75-5399, 75-53,105, 75-53,112, 75-5674, 75-5675, 75-5741, 75-5742, 75-5743, 75-5903, 75-5908, 75-5910, 75-5914, 75-5928, 75-5933, 75-5945, 75-5951, 75-5958, 75-5961, 75-6202, 75-6506, 75-6508, 75-7023, 75-7302, 75-7306, 75-7310, 75-7311, 75-7405, 75-7435, 76-375, 76-381, 76-6b05, 76-12a01, 76-12a08, 76-12a10, 76-12b01, 76-1305, 76-1306, 76-1307, 76-17c08, 79-3221g, 79-3234, 79-32,200 and 79-4805 and repealing the existing sections; and also repealing K.S.A. 2012 Supp. 39-7,161, 39-923a, 75-37,121a and 79-3234c, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Tyson.

The bill passed.

REPORT ON ENROLLED BILLS

SR 1712, SR 1713, SR 1714 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 14, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 22, SB 23** be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 85, SB 113** 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 **Public Health and Welfare** recommends **SB 163** be passed.

Also, **SB 141** be amended on page 1, in line 5, after "perform" by inserting "or induce an abortion or attempt to perform or induce"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 96** be passed.

Committee on **Utilities** recommends **SB 62** be amended on page 2, in line 8, by striking "utility or corporation" and inserting "person"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, February 15, 2013.

Journal of the Senate

TWENTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 15, 2013, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-three senators present.
Senators Apple, Donovan, Emler, Faust-Goudeau, Longbine, Lynn and Masterson were excused.

Invocation by Father Don Davidson:

We have come once again O Lord to the end of the work week when many will raise their voices unto you with great thanksgiving. We humans love weekends when we have time to be with loved ones, and get things finished from weekends before. Today Lord, we give thanks that while we need time off to rest and charge our internal batteries you do not. We thank you that no matter where we may be or when, we can call upon you and you will hear our prayers. No matter the language or the words, you know the song of our hearts and give us peace, your peace. We thank you Lord for giving us the minds and hearts to receive your precious gift. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 207, AN ACT concerning motor carriers; relating to compliance inspections; amending K.S.A. 2012 Supp. 66-1,129 and repealing the existing section, by Committee on Federal and State Affairs.

SB 208, AN ACT concerning alcoholic beverages; relating to retailer's licenses; amending K.S.A. 41-713 and K.S.A. 2012 Supp. 41-102, 41-301, 41-303, 41-308, 41-311, 41-313, 41-326 and 79-4108 and repealing the existing sections; also repealing K.S.A. 41-103 and 41-711, 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: **SB 202**.

Education: **SB 201**.

Ethics, Elections and Local Government: **HB 2141**.

Federal and State Affairs: **SB 203**.

Financial Institutions and Insurance: **HB 2096**.

Judiciary: **SB 200**.

Transportation: **HB 2011**.

Ways and Means: **SB 204, SB 205, SB 206**.

CHANGE OF REFERENCE

The President withdrew the appointment of Paul Beck, from the Committee on **Judiciary**, and referred the appointment to the Committee on **Federal and State Affairs**.

The President withdrew **SB 194** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Public Health and Welfare**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 18, 2013.

Journal of the Senate

TWENTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 18, 2013, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Vice President Jeff King introduced as guest chaplain, Reverend Kathleen Whitmore, of the Lowman United Methodist Church, who delivered the invocation:

Gracious and Holy Creator,
We live in a world of constant flux. In the midst of the change and uncertainty, grant us the wisdom to discern good from evil.
May our words, actions and intentions be sincere so all that we do builds up rather than tears down; helps and not hinders. May our decisions be wise so that they promote justice and equality for all your creation.
Help us to see the truth and follow your light. Fill us with compassion for others. Help us to grow ever richer in the love that leads to Your ever lasting Peace. Amen.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 209, AN ACT concerning government contracts and agreements; relating to public disclosure of bids; contract and economic development agreement requirements or preferences; competitive bid act; amending K.S.A. 2012 Supp. 16-2003, 45-221, 72-6760, 75-3739a and 75-3740 and repealing the existing sections; also repealing K.S.A. 75-3740b and K.S.A. 2012 Supp. 45-221j, 45-221k, 75-3317, 75-3319, 75-3320, 75-3321, 75-3322, 75-3322b, 75-3322c and 75-3740d, by Committee on Ways and Means.

SB 210, AN ACT concerning health information technology; amending K.S.A. 2012 Supp. 65-6821, 65-6822, 65-6823, 65-6824, 65-6825, 65-6828, 65-6829, 65-6830, 65-6831, 65-6832, 65-6833 and 65-6834 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-6826 and 65-6827, by Committee on Ways and Means.

SB 211, AN ACT concerning elections; relating to certain municipalities; amending K.S.A. 2-623, 12-344, 13-1220, 13-1221, 19-2680, 19-3505, 19-3507, 24-504, 25-202, 25-209, 25-212, 25-610, 25-1115, 25-2006, 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419 and 72-8008 and K.S.A. 2012 Supp. 2-624, 12-363, 24-412, 24-414, 24-459, 24-506, 25-213, 25-611, 25-1122, 25-2020, 25-2102, 25-2108a, 25-2110, 25-2311, 25-3801 and 42-706 and repealing the

existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037 and 12-1038, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 208**.

Transportation: **SB 207**.

CHANGE OF REFERENCE

The Vice President withdrew **SB 191** from the Committee on **Agriculture**, and referred the bill to the Committee on **Natural Resources**.

The Vice President withdrew **SB 192** from the Committee on **Education**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

The Vice President withdrew **HB 2009** from the Committee on **Transportation**, and referred the bill to the Committee on **Judiciary**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2030, HB 2066, HB 2213, HB 2228**.

Announcing passage of **HB 2035, HB 2130, HB 2154, HB 2155, HB 2201**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2030, HB 2035, HB 2066, HB 2130, HB 2154, HB 2155, HB 2201, HB 2213, HB 2228 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1715—

A RESOLUTION congratulating and commending the
2012 Kansas Board Certified Teachers.

WHEREAS, Twelve of Kansas' finest educators have satisfied the highest professional qualifications of the National Board of Professional Teaching Standards to be designated as National Board Certified Teachers. They will be recognized as such at a program on February 21, 2013; and

WHEREAS, The 2012 Kansas National Board Certified Teachers are: Rachel Aponso, Horace Mann Dual Language Magnet School, Wichita USD 259; Abbie Carlson, Seaman High School, Seaman USD 345; Lisa Ciminieri, Harmony Elementary School, Blue Valley USD 229; Ashley DeForest, Heartland Elementary School, Blue Valley USD 229; Heather Fleming, Junction City Middle School, Geary County USD 475; Catherine Healy, Sunset Ridge Elementary School, Blue Valley USD 229; Tamara

Hedenskog, Stony Point North Elementary School, Kansas City USD 500; Theresa Hime, Pauline South Intermediate School Auburn-Washburn USD 437; Brandi Leggett, Prairie Ridge Elementary School, De Soto USD 232; Erin Pearson, Blue Valley Northwest High School, Blue Valley USD 229; Wendy Ping, Prairie Ridge Elementary School, De Soto USD 232; Leigh Stewart, Independence High School, Independence USD 446; and

WHEREAS, National Board Certification, a voluntary process established by the National Board of Professional Teaching Standards, is a symbol of professional teaching excellence. It is achieved through a performance-based assessment process that measures a teacher's practice against high and rigorous advanced standards to demonstrate accomplished practice. Through a series of assessments, teachers demonstrate their subject matter knowledge, provide evidence that they know how to teach their subjects to students most effectively and demonstrate their ability to manage and measure student learning; and

WHEREAS, The National Board of Professional Teaching Standards is an independent, nonprofit, nonpartisan and nongovernmental organization. Its mission is to advance the quality of teaching and learning by: Maintaining high and rigorous standards for what accomplished teachers should know and be able to do; providing a national voluntary system certifying teachers who meet these standards; and advocating related education reforms to integrate National Board Certification in American education and to capitalize on the expertise of National Board Certified Teachers: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend each of these outstanding educators who have attained the status of National Board Certified Teachers; and

Be it further resolved: That the Secretary of the Senate provide 12 enrolled copies of this resolution to the Commissioner of Education for forwarding to each of the teachers so honored plus a copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1715** was adopted unanimously.

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

SENATE RESOLUTION No. 1716—

A RESOLUTION congratulating and commending the Kansas recipient of the 2012 Milken Family Foundation Educator Award.

WHEREAS, Michael Berndt, third grade teacher at Prairie Center Elementary School, Olathe USD 233, has been selected as the Kansas recipient of the 2012 Milken Family Foundation Educator Award. He will receive an unrestricted award of \$25,000 plus recognition by his community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985 and the first awards were presented in 1987; and

WHEREAS, The Milken Family Foundation Educator Awards program provides public recognition and financial awards to elementary and secondary school teachers, principals and other educational professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. Michael Berndt was one of up to 40 educators around the country recognized with the award this year. By publicizing these awards our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Michael Berndt upon his selection as the Kansas recipient of the 2012 Milken Family Foundation Educator Award; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2012 Milken Educator.

On emergency motion of Senator Abrams **SR 1716** was adopted unanimously.

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

SENATE RESOLUTION No. 1717—

A RESOLUTION congratulating and commending the 2013 Kansas Cable Telecommunications Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Cable Telecommunications Horizon Award Program educators; and

WHEREAS, The Kansas Cable Telecommunications Horizon Award Program, sponsored by the Kansas State Department of Education and the Kansas Cable Telecommunications Association, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Cable Telecommunications Horizon Award Program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Cable Telecommunications Horizon Award Program, currently in its 11th year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for the Kansas Cable Telecommunications Horizon Award Program, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Kansas Cable Telecommunications Horizon Award Program is a regional competition with four regions corresponding to the state's United States congressional districts. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are: Region 1: Kebra Claiborne, Americus Elementary School, North Lyon County USD 251; Sara Goldsby, Heusner Elementary School, Salina USD 305; Katherine Hughes, McPherson Middle School, McPherson USD 418; Jennifer Love, Roosevelt Elementary School, McPherson USD 418; Zana Manche, Goessel High School, Goessel USD 411; Jesse Peters, Susan B. Anthony Middle School, Manhattan-Ogden USD 383; Brandi Rayl, Faris Elementary School, Hutchinson USD 308; Valerie Thomison, Prairie Heights Middle School, Morris County USD 417; and

Region 2: Ashley Clark, Sunflower Elementary School, Paola USD 368; Tanay Forsberg, Rochester Elementary School, Seaman USD 345; James Gilpin, Erie High School, Erie-Galesburg USD 101; Phillip Kuchar, Prairie View Middle School, Prairie View USD 362; Sandra Martinie, McCune Attendance Center, Cherokee USD 247; Scott Peavey, Tonganoxie High School, Tonganoxie USD 464; Madison Shipley, Washburn Rural High School, Auburn-Washburn USD 437; Whitney Waters, Pauline Central Primary School, Auburn-Washburn USD 437; and

Region 3: Lindsey Demke, Shawnee Mission Northwest High School, Shawnee Mission USD 512; Dr. Christopher Jenson, Blue Valley Southwest High School, Blue Valley USD 229; Alyssa Meyer, Mill Valley High School, De Soto USD 232; Jennifer Mitchell, Wyandotte High School, Kansas City USD 500; Kayla Rausin, Gardner Elementary School, Gardner-Edgerton USD 231; Andrea Reinhard, Indian Valley Elementary School, Blue Valley USD 229; Jason Utlaut, Bonner Springs Elementary School, Bonner Springs USD 204; Kody Willnauer, Regency Place Elementary School, Olathe USD 233; and

Region 4: Jennifer Cole, Clark Davidson Elementary School, Goddard USD 265; Nichole Jensen, Andale Elementary/Middle School, Renwick USD 267; Hope Kessinger, Andover Central High School, Andover USD 385; Erin Lewis, El Paso Elementary School, Derby USD 260; Sarah McDaniel, Wichita High School South, Wichita USD 259; Jason Ramey, Pray-Woodman Elementary School, Maize USD 266; Brianna Reyes, Valley Center Middle School, Valley Center USD 262; Betsy Robb, Maize South Middle School, Maize USD 266: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2013 Kansas Cable Telecommunications Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 32 copies of this resolution to the Commissioner of Education for forwarding to each educator so honored plus one copy to the Commissioner of Education.

On emergency motion of Senator Abrams **SR 1717** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 73** be amended on page 4, in line 19, by striking "sixth" and inserting "fourth"; in line 21, after "therein" by inserting ", until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be determined by using the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein"; in line 25, by striking "sixth" and inserting "fourth"; in line 26, after "impairment" by inserting "until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be combined pursuant to the sixth edition of the American medical association guides to the evaluation of permanent impairment,";

On page 6, in line 2, by striking "sixth" and inserting "fourth"; in line 4, after "therein" by inserting ", until January 1, 2015, but for injuries occurring on and after January 1, 2015, based on the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein";

On page 7, in line 3, by striking all following the period; by striking all in lines 4 and 5;

On page 9, following line 8, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 44-520 is hereby amended to read as follows: 44-520.

(a) (1) Proceedings for compensation under the workers compensation act shall not be maintainable unless notice of injury by accident or repetitive trauma is given to the employer 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~~ 10 calendar days after the employee's last day of actual work for the employer.

Notice may be given orally or in writing.

(2) Where notice is provided orally, if the employer has designated an individual or department to whom notice must be given and such designation has been communicated in writing to the employee, notice to any other individual or department shall be insufficient under this section. If the employer has not designated an individual or department to whom notice must be given, notice must be provided to a supervisor or manager.

(3) Where notice is provided in writing, notice must be sent to a supervisor or manager at the employee's principal location of employment. The burden shall be on the employee to prove that such notice was actually received by the employer.

(4) The notice, whether provided orally or in writing, shall include the time, date, place, person injured and particulars of such injury. It must be apparent from the content of the notice that the employee is claiming benefits under the workers compensation act or has suffered a work-related injury.

(b) The notice required by subsection (a) shall be waived if the employee proves that: (1) The employer or the employer's duly authorized agent had actual knowledge of the injury; (2) the employer or the employer's duly authorized agent was unavailable to receive such notice within the applicable period as provided in paragraph (1) of subsection (a); or (3) the employee was physically unable to give such notice.

(c) For the purposes of calculating the notice period proscribed in subsection (a), weekends shall be included.";

On page 16, in line 31, by striking all following the period; by striking all in lines 32 and 33; in line 35, after "44-510e," by inserting "44-520,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "disqualification;" by inserting "notice of injury requirements;" in line 6, after "44-510e," by inserting "44-520,"; and the bill be passed as amended.

Committee on **Education** recommends **SB 104** be amended on page 2, in line 30, after the second "technology" by inserting "or other process"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SR 1711** be amended on page 1, in line 7, by striking "expensive, unsuccessful and"; in line 9, after "Kansas" by inserting "adjacent"; in line 33, after "introduced" by inserting "; and

WHEREAS, Limiting the size of the management zone to the size of the conservation zone is inconsistent with protection for adjacent landowners provided by the established larger sizes of a current buffer area at a current reintroduction site in Kansas; and

WHEREAS, The safe harbor agreement should include adequate safeguards, such as a binding written agreement, for non-participating landowners to have authorization for incidental take of black-footed ferrets"; and the resolution be adopted as amended.

On motion of Senator Bruce, the Senate recessed to the sound of the gavel.

The Senate met pursuant to recess with Vice President Jeff King in the chair.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, February 19, 2013.

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 19, 2013, 2:30 p.m.

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

Open our minds O Lord to see the beauty and wonder around us. Today may bring a warm breeze and yet tomorrow may bring snow. Today may bring a disappointed glance while tomorrow may bring a smile. Today may bring a card in the mail while tomorrow may bring a memory. Open our minds O Lord, to see the wonder and beauty around us, especially found in the eyes of others. In your holy name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 212, AN ACT concerning income tax; relating to credits and deductions for investments in certain produced water recycling storage and transportation equipment, by Committee on Assessment and Taxation.

SB 213, AN ACT concerning the Kansas turnpike authority; related to tolls; amending K.S.A. 68-2004 and repealing the existing section, by Committee on Federal and State Affairs.

SB 214, AN ACT concerning the sale of certain fireworks; prohibiting the sale of bottle rockets; establishing criminal penalties, by Committee on Federal and State Affairs.

SB 215, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing; amending K.S.A. 2012 Supp. 74-8734, 74-8741, 74-8744, 74-8746, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 216, AN ACT concerning public building commissions; relating to municipal universities; amending K.S.A. 12-1758 and 12-1764 and repealing the existing sections, by Committee on Ways and Means.

SB 217, AN ACT concerning treatment facilities; relating to substance abuse services, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2035**.

Ethics, Elections and Local Government: **SB 211; HB 2130**.

Federal and State Affairs: **SB 209**.

Natural Resources: **HB 2030**.

Public Health and Welfare: **SB 210; HB 2066, HB 2154, HB 2155**.

Utilities: **HB 2201**.

Ways and Means: **HB 2213, HB 2228**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1718—

A RESOLUTION commemorating Emporia State University's Sesquicentennial.

WHEREAS, Kansas State Normal School was founded by the Kansas Legislature in 1863 for "the instruction of persons, both male and female, in the art of teaching, and in all the various branches that pertain to good common school education, and in the mechanic arts, and in the arts of husbandry and agricultural chemistry, and in the fundamental laws of the United States of America, and in what regards the rights and duties of citizens"; and

WHEREAS, Emporia State University has been a significant part of the State of Kansas and our system of higher education since its founding and throughout its history; and

WHEREAS, Kansas State Normal School became Kansas State Teachers College in 1923, Emporia Kansas State College in 1974, and Emporia State University in 1977; and

WHEREAS, Over 75,000 alumni have served as accountants, artists, bankers, business people, educators, engineers, financial planners, government officials, health care providers, information managers, library scientists, military personnel, musicians, and scientists in addition to other occupations; and

WHEREAS, Emporia State University empowers and engages excellent intellectual opportunities for the people of our state, our nation, and our world through its nationally recognized programs; and

WHEREAS, Emporia State University brings state, regional, national, and international prominence to the Great State of Kansas through its outstanding academic, cultural, and athletic events; and

WHEREAS, Emporia State University will celebrate its sesquicentennial throughout 2013 under the theme: "Changing Lives Since 1863"; and

WHEREAS, Emporia State University will commence to celebrate its 150th anniversary on Founders Day, February 15, 2013: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we celebrate and commemorate the 150th anniversary of Emporia State University; and

Be it further resolved: That the Secretary of the Senate shall provide five enrolled copies of this resolution to Emporia State University at 1200 Commercial Street,

Emporia, KS 66801.

On emergency motion of Senator Longbine **SR 1718** was adopted unanimously.

President Michael Shonrock and Vice President Brooke Smith were acknowledged by a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 189** be passed.

Committee on **Agriculture** recommends **SB 56** be amended on page 1, following line 7, by inserting:

"New Section 1. Any county fair association which received official recognition from the secretary of agriculture prior to July 1, 2013, shall remain an officially recognized county fair association unless such recognition is revoked by a vote of the board of county commissioners in the county where such county fair association is located.";

On page 9, following line 8, by inserting:

"Sec. 12. K.S.A. 19-1561b is hereby amended to read as follows: 19-1561b. Upon the erection of such building or buildings and furnishings as herein provided, the board of county commissioners of the county wherein such building or buildings and furnishings are located is hereby authorized and empowered to levy annually a tax upon all taxable tangible property within said county for the purpose of purchasing additional equipment, maintaining and repairing such building or buildings and furnishings and for the payment of premiums and rewards awarded at agricultural livestock and 4-H club activities and approved by the board of county commissioners and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. In any county in which there is a fair recognized by the secretary of agriculture or the board of county commissioners as an official county fair the amount of the payment for premiums and rewards under this section shall not exceed the amount of the payment by the county for premiums and awards for such county fair.

The board of county commissioners is authorized to pay any tax moneys collected and approved by said board for the payment of rewards and premiums to the executive board of the county agricultural extension council, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. The executive board is authorized to accept such payments and upon acceptance of such moneys shall provide for the awarding of rewards and premiums for the authorized activities and shall make reports, under oath, to the county commissioners of the receipts and expenditures of the moneys so received, on or before December 31 of each year.";

Also on page 9, in line 9, after "K.S.A." by inserting "19-1561b and K.S.A.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "K.S.A." by inserting "19-1561b and K.S.A."; and the bill be passed as amended.

Committee on **Federal and State Affairs** begs leave to submit the following report:

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

By Governor:

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

Paul Beck, term expires January 15, 2016

Also, recommends **SB 111** be amended on page 1, in line 8, before "American" by inserting "Native"; also in line 8, by striking "Indian"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SCR 1608** be adopted.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended: **SB 2, SB 22, SB 23, SB 96, SB 163** be passed.

SB 1, SB 27, SB 62, SB 73, SB 74, SB 83, SB 84, SB 104, SB 141 be amended by the adoption of the committee amendments, and the bills be passed as amended.

A motion by Senator Holland to amend **SB 73** failed and the following amendment was rejected: on page 9, in line 32, by striking "10" and inserting "15"

A second motion by Senator Holland to amend **SB 73** failed and the following amendment was rejected: on page 2, by striking all in lines 8 through 43;

By striking all on pages 3 through 8;

On page 17, in line 43, by striking "44-510d, 44-510e,";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking "44-510d, 44-510e,"

A motion by Senator V. Schmidt to amend **SB 73** failed and the following amendment was rejected: on page 4, in line 21, by striking "but" and inserting "and"; in line 22, by striking "shall" and inserting "may"; in line 31, by striking "but" and inserting "and"; also in line 31, by striking "shall" and inserting "may";

On page 6, in line 12, by striking "but" and inserting "and"; in line 13, before "based" by inserting "may be"

A motion by Senator Kelly to amend **SB 141** failed and the following amendment was rejected: on page 1, following line 32, by inserting:

"(f) Any person who intentionally and knowingly makes a false statement that a defendant performed or induced an abortion or attempted to perform or induce an abortion under the provisions of this act shall be guilty of the same penalties as provided in subsection (e).";

And by relettering subsections accordingly

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

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

The motion failed and the amendment was rejected.

A motion by Senator Haley to amend **SB 141** failed and the following amendment was rejected: on page 1, in line 6, after "knowledge" by inserting "based on written

documentation"; in line 16, after "conduct." by inserting "Any plaintiff in such civil action shall be required to present written documentation showing a defendant possessed knowledge that the pregnant woman was seeking the abortion solely on account of the sex of the unborn child."

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

On roll call, the vote was: Yeas 7; Nays 33; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Pettey.

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

The motion failed and the amendment was rejected.

SR 1711 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco, on page 1, in line 15, by striking "and misleading"; also in line 15, by striking "rashly and"; in line 26, by striking "mention" and inserting "adequately address"; in line 30, by striking "has been a complete disregard for the" and inserting "is a".

SR 1711 be further amended by motion of Senator Francisco, on page 2, following line 27, by inserting: "*Be it further resolved:* That should the U.S. Fish and Wildlife service move forward with the safe harbor agreement we strongly encourage the U.S. Fish and Wildlife service to hold meetings with experts in prairie dog habitat, management of the current reintroduction sites, adjacent landowners to those sites and representatives of local government in those areas.", and **SR 1711** be passed as further amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 20, 2013.

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 20, 2013, 2:30 p.m.

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

How do we know when making a decision if the answer should be yes or no? We learn and read and grow, we research and chat and refine. Help us O Lord not to leave you out of those critical moments, help us O Lord to pray. Give us the patience to listen for your response and know that you are God. Then, Lord, give us your peace once the decision is made.

In your holy name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce scholarship recipients, Amanda Johnson, senior at Northwest High School in Wichita, and Kiah Duggins, senior at East High School in Wichita. Amanda is the recipient of a \$52,000 Harry Gore Memorial Scholarship from Wichita State University and Kiah was awarded Wichita State University's Clay Barton Scholarship in the amount of \$44,000. The Senator also introduced Sunday Akpah, father of Amanda, and Maurice Duggins, father of Kiah. They were recognized by the senators with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 218, AN ACT concerning courts; relating to docket fees, court fees and costs; creating the judicial branch docket fee fund; abolishing the judicial branch surcharge fund; amending K.S.A. 5-517 and 20-166 and K.S.A. 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-172b, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001, 65-409, 74-7325, 74-7334 and 75-7021 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 20-367, 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 212**.

Ethics, Elections and Local Government: **SB 216**.

Federal and State Affairs: **SB 214, SB 215**.

Public Health and Welfare: **SB 217**.

Transportation: **SB 213**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2122, HB 2125, HB 2140, HB 2142, HB 2143, HB 2145, HB 2148, HB 2149, HB 2152, HB 2156, HB 2202**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2122, HB 2125, HB 2140, HB 2142, HB 2143, HB 2145, HB 2148, HB 2149, HB 2152, HB 2156, HB 2202 were thereupon introduced and read by title.

CONSIDERATION OF APPOINTMENTS

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

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on **Federal and State Affairs**.

State Board of Indigents Defense Services:

Paul Beck, to serve a three year term, to expire January 15, 2016.

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

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

Present and Passing: King.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 85 and **SB 113** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 85, AN ACT concerning insurance; pertaining to proof of motor vehicle liability insurance; amending K.S.A. 2012 Supp. 8-173, 8-1604, 40-3104 and 40-3118 and repealing the existing sections.

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

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

The bill passed.

SB 113, AN ACT concerning credit unions; pertaining to certain loans; amending K.S.A. 17-2216 and 17-2216a and repealing the existing sections.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 1, AN ACT concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2012 Supp. 46-1106 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 2, AN ACT concerning the legislative post audit act; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 22, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Holmes, Knox, Olson, Pilcher-Cook, Pyle, Smith.

The bill passed.

EXPLANATION OF VOTE

Madam President: The Technical Education Authority was created and charged with creating a tiered funding formula for vocational/technical programs within a 3 year timeframe. They have done an outstanding job accomplishing their charge. However, like so many other government programs, it has taken on a life of its own and now seeks to perpetuate itself for another three years. It should be no surprise in three years if this entity again asks for another 3 year extension to the sunset, or even a complete repeal of the sunset. At this point, the Board of Regents is completely capable of taking on any additional development of technical program development without a separate commission. I vote "No" on **SB 22**. —MITCH HOLMES

Senator Knox requested the record to show he concurs with the "Explanation of Vote" offered by Senator Holmes on **SB 22**.

SB 23, AN ACT concerning school districts; relating to the statewide levy for public schools and the exemption therefrom; amending K.S.A. 2012 Supp. 72-6431 and 79-201x and repealing the existing sections, was considered on final action.

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

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

The bill passed.

SB 27, AN ACT concerning the military service scholarship program act; relating to qualified students; amending K.S.A. 2012 Supp. 74-32,228 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 62, AN ACT concerning utilities; relating to the Kansas corporation commission; gas pipeline safety; amending K.S.A. 66-1,154 and 66-1,157a and K.S.A. 2012 Supp. 66-1,153 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 73, AN ACT concerning workers compensation, relating to administrative duties assumed by the secretary of health and environment; legal status requirements for compensation; administrative judge disqualification; notice of injury requirements; limitation of actions; state workplace health and safety program; amending K.S.A. 44-512, 44-557 and 44-578 and K.S.A. 2012 Supp. 2-224a, 44-510d, 44-510e, 44-520, 44-523, 44-532a, 44-575 and 44-577 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed, as amended.

SB 74, AN ACT concerning the prison-made goods act; relating to the manufacture or production of manufactured homes or modular homes, was considered on final action.

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

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

Nays: Fitzgerald, King, LaTurner, Tyson.

The bill passed, as amended.

SB 83, AN ACT concerning taxation; relating to delinquent tax liabilities; service fees, remittance; amending K.S.A. 2012 Supp. 75-5162 and repealing the existing section, was considered on final action.

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

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

Nays: Olson, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 84, AN ACT concerning sales and use taxation; relating to nexus; amending K.S.A. 2012 Supp. 79-3702 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Hawk, Holmes, Kelly, Kerschen, King, Knox, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Powell, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Haley, Hensley, Holland, LaTurner, Olson, Pettey, Pilcher-Cook,

Pyle.

Present and Passing: Love.

The bill passed, as amended.

SB 96, AN ACT concerning motor vehicles; relating to registration fees, multiple registration facilities; amending K.S.A. 2012 Supp. 8-145d and repealing the existing section, was considered on final action.

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

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

Nays: Pyle.

The bill passed.

SB 104, AN ACT creating the Kansas children's internet protection act, was considered on final action.

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

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

The bill passed, as amended.

SB 141, AN ACT concerning abortion; relating to abortions performed solely because of the gender of the unborn child, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley.

Present and Passing: Francisco.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote "no" on **SB 141**. In a world, in a country, that longs for less governmental intrusion, it is ironic to me that elected leadership imposes its will on the most private and personal of decisions; a decision which should be left to the woman and her physician...alone. Whatever motivation brings a woman to make crucial personal reproductive health decisions should be left as undisturbed as possible. My constituents did not elect me to tell them what to do with their bodies. And frankly, Madam President, it always amazes me when it's obvious that other elected members think that theirs did vote for them in order to be told how to conduct their personal lives. This bill is only intended as a set up to harass legal providers of safe abortion

services which is why it is not about “gender selection”; it is about damages for lawsuit both criminal and civil.—DAVID HALEY

Madam President: Horrific is the word used during debate to describe sex-selection abortion. Why is it horrific? Is a medical procedure to discard a blob of tissue horrific? NO! It is horrific because this is not a sufficient reason to kill a human being. Horrific describes the killing of a baby, for any reason. The vote today reflects the belief that abortion is indeed horrific. I vote Aye on **SB 141** because abortion, for any reason, is horrific because abortion kills a human being; abortion kills an innocent baby.—FORREST KNOX

Senators Abrams, Arpke, Fitzgerald, Lynn, Olson and Smith request the record to show they concur with the "Explanation of Vote" offered by Senator Knox on **SB 141**.

SB 163, AN ACT concerning health insurance; relating to mandate lite health benefits plans; commissions; specially designed policies, was considered on final action.

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

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

Nays: Haley.

Present and Passing: Francisco.

The bill passed.

SR 1711, opposing the black-footed ferret programmatic safe harbor agreement and environmental assessment, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Emler, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, V. Schmidt.

The resolution was adopted, as amended.

EXPLANATION OF VOTE

Madam President: I vote “No” on **SR 1711** and I would like to explain my vote. I am in agreement with some of the recommendations made in the resolution. I would like to see expansion of the limits of the size of the management zone and more informed discussion about the habitat and activity of prairie dogs. However I am very concerned that we are suggesting Kansas be excluded from the territory contained in the programmatic safe harbor agreement for the black-footed ferret. The exclusion would reduce conservation benefits for Kansas and regulatory protection for Kansans and fail to address the important issues of balancing private property rights in this state.—MARCI FRANCISCO

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **SR 1711**.

REPORT ON ENGROSSED BILLS

SB 1, SB 27, SB 62, SB 73, SB 74, SB 83, SB 84, SB 104, SB 144; SR 1711 reported correctly engrossed February 20, 2013.

REPORT ON ENROLLED BILLS

SR 1715, SR 1716, SR 1717, SR 1718 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 20, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2059**, as amended by House Committee, be amended on page 5, in line 32, by striking all after "fund"; in line 33, by striking all before the period; in line 35, by striking "18.421%" and inserting "16.67%"; in line 36, by striking "5.7%" and inserting "6.3%";

On page 20, after line 12, by inserting the following:

"Sec. 7. On July 1, 2013, K.S.A. 2012 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$30,000.....	3.5% of Kansas taxable income
Over \$30,000 but not over.....	\$1,050 plus 6.25% of excess
\$60,000.....	over \$30,000
Over \$60,000.....	\$2,925 plus 6.45% of excess
	over \$60,000

(B) For tax year 2013, ~~and all tax years thereafter:~~

If the taxable income is:	The tax is:
Not over \$30,000.....	3.0% of Kansas taxable income
Over \$30,000.....	\$900 plus 4.9% of excess over
	\$30,000

(C) For tax years 2014 and 2015:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000.....</u>	<u>2.5% of Kansas taxable income</u>
<u>Over \$30,000.....</u>	<u>\$750 plus 4.9% of excess over</u>
	<u>\$30,000</u>

(D) For tax year 2016:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000.....</u>	<u>1.9% of Kansas taxable income</u>
<u>Over \$30,000.....</u>	<u>\$570 plus 4.9% of excess over</u>
	<u>\$30,000</u>

(E) For tax year 2017, and all tax years thereafter:

<u>If the taxable income is:</u>	<u>The tax is:</u>
----------------------------------	--------------------

<u>Not over \$30,000.....</u>	<u>1.9% of Kansas taxable income</u>
<u>Over \$30,000.....</u>	<u>\$570 plus 3.5% of excess over</u> <u>\$30,000</u>

(2) *All other individuals.*

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$15,000.....	3.5% of Kansas taxable income
Over \$15,000 but not over.....	\$525 plus 6.25% of excess
\$30,000.....	over \$15,000
Over \$30,000.....	\$1,462.50 plus 6.45% of excess
	over \$30,000

(B) For tax year 2013, ~~and all tax years thereafter:~~

If the taxable income is:	The tax is:
Not over \$15,000.....	3.0 % of Kansas taxable income
Over \$15,000.....	\$450 plus 4.9% of excess over
	\$15,000

(C) For tax years 2014 and 2015:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$15,000.....</u>	<u>2.5% of Kansas taxable income</u>
<u>Over \$15,000.....</u>	<u>\$375 plus 4.9% of excess over \$15,000</u>

(D) For tax year 2016:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$15,000.....</u>	<u>1.9% of Kansas taxable income</u>
<u>Over \$15,000.....</u>	<u>\$285 plus 4.9% of excess over \$15,000</u>

(E) For tax year 2017, and all tax years thereafter:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$15,000.....</u>	<u>1.9% of Kansas taxable income</u>
<u>Over \$15,000.....</u>	<u>\$285 plus 3.5% of excess over \$15,000</u>

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

Sec. 8. On July 1, 2013, K.S.A. 2012 Supp. 79-32,120 is hereby amended to read as

follows: 79-32,120. (a) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction. The Kansas itemized deduction of an individual means the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(b) For taxable years commencing prior to January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2012 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

(c) For taxable years commencing on or after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction and allowed as itemized deductions in section 164 of the federal internal revenue code, and amendments thereto, and the amount of qualified residential interest paid and allowed as an itemized deduction in section 163 of the federal internal revenue code, and amendments thereto, to the extent that any of the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2012 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

Sec. 9. On July 1, 2013, K.S.A. 2012 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, and commencing July 1, 2013, at the rate of 5.7%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2012 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any

service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for 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, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c) (3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b)

(2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act 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 tax paid as provided by this act. All such 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 of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an

independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 10. On July 1, 2013, K.S.A. 2012 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of ~~5.3%, and commencing July 1, 2010, at the rate of 6.3%, and commencing July 1, 2013, at the rate of 5.7%.~~ Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 11. On July 1, 2013, K.S.A. 2012 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund; ~~as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.~~

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ 16.67% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of ~~5.7%~~ 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of

statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3620, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

New Sec. 12. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year 2015, in any fiscal year in which the amount of actual state general fund receipts from taxes for such fiscal year exceeds the actual state general fund receipts from taxes for the immediately preceding fiscal year by more than 4%, the director of budget and the director of legislative research shall jointly certify such excess amount to the secretary of revenue. Upon receipt of such certified amount, the secretary shall estimate the individual income tax rate reductions to go into effect for the next tax year that would decrease by such certified amount the estimated individual income tax receipts during the fiscal year after the next fiscal year.

Rate reductions for individual income tax shall be applied to reduce the highest marginal rate applicable. Based on such determination, the secretary shall reduce

individual income tax rates prescribed by K.S.A. 79-32,110, and amendments thereto.

(2) In any fiscal year in which the amount of actual state general fund receipts from taxes for such fiscal year are less than 104% of the actual state general fund receipts from taxes from any prior fiscal year, the director of budget and the director of legislative research shall jointly certify such amount and fact to the secretary of revenue. Upon receipt of such amount and fact, the secretary shall not make any adjustment to the individual income tax rates.

(b) Any reduction in individual income tax rates prescribed by this section shall be published in the Kansas register prior to October 15 of the calendar year immediately preceding the tax year in which such reduction takes effect.

(c) The provisions of this section shall take effect on July 1, 2013.";

Also on page 20, after line 15, by inserting the following:

"Sec. 14. On July 1, 2013, K.S.A. 2012 Supp. 79-32,110, 79-32,120, 79-3603, 79-3703 and 79-3710 are hereby repealed.";

And by renumbering sections accordingly.

On page 1, in the title, in line 1, after "tax" by inserting "rates,"; in line 2, after "tax" the second time it appears, by inserting " rates and distribution of revenue"; in line 3, by striking all after "Supp." and inserting "79-32,110, 79-32,117, 79-32,118, 79-32,120, 79-32,266, 79-3603, 79-3620, 79-3703, 79-3710 and"; the bill be passed as amended.

Committee on **Commerce** recommends **SB 75** be amended on page 2, in line 9, by striking the second "of" and inserting "not to exceed"; following line 17, by inserting:

"Sec. 2. Nothing in this act shall be construed to apply to plastic bulk merchandise containers collected by public or private recycling or refuse haulers as part of a municipal solid waste recycling or trash collection program where the plastic bulk merchandise containers are voluntarily deposited into collection containers by a resident or commercial entity without the receipt of payment for the purposes of disposal or recycling.";

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

Committee on **Ethics, Elections and Local Government** recommends **SB 100** be amended on page 1, following line 4, by inserting:

"Section 1. K.S.A. 25-904 is hereby amended to read as follows: 25-904. (a) Every candidate for election to any city of the second and third class, unified school district, community college or township office subject to this act who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each the primary and the general election shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the county election officer of the county of residence of the candidate. No report required by subsection (b) shall be required to be filed by or for such candidate.

(b) Except as provided in subsection (a), it shall be the duty of every candidate for nomination or for election to any city of the second and third class, unified school district, community college or township office subject to this act, within 30 days after each primary, general or special election, to file with the county election officer an itemized statement under oath stating the name and address of each person who has made any contribution in excess of \$50 during the election period together with the amount and date of such contributions and an itemized statement of all expenditures

made by such candidate or obligations contracted or incurred by such candidate in connection with each primary, general or special election.

(c) No candidate which is subject to the provisions of the campaign finance act (~~K.S.A. 25-4142 et seq., and amendments thereto~~), shall be required to file any report required by this section.

(d) Any candidate who has signed an affidavit pursuant to subsection (a) and who incurs expenses in excess of or receives contributions in excess of ~~\$500~~ \$1,000, exclusive of such candidate's filing fee for either the primary or the general election, shall file the report required by subsection (b).

Sec. 2. K.S.A. 25-4173 is hereby amended to read as follows: 25-4173. Every candidate for state or local office who intends to expend or have expended on such person's behalf an aggregate amount or value of less than ~~\$500~~ \$1,000, exclusive of such candidate's filing fee, and who intends to receive or have received on such person's behalf contributions in an aggregate amount or value of less than ~~\$500~~ \$1,000 in each of the primary and the general elections shall file, not later than the ninth day preceding the primary election, an affidavit of such intent with the secretary of state for state offices. In the case of a candidate for a local office, such affidavit also shall be filed with the county election officer of the county in which the name of the candidate is on the ballot. No report required by K.S.A. 25-4148, and amendments thereto, shall be required to be filed by or for such candidate.";

And by renumbering sections accordingly;

Also on page 1, in line 27, after "K.S.A." by inserting "25-904, 25-4173 and"; also in line 27, by striking "is" and inserting "are";

On page 1, in the title, in line 1, after "concerning" by inserting "candidates and"; also in line 1, by striking "; regarding"; also in line 1, after "K.S.A." by inserting "25-904, 25-4173 and"; in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 135** be amended on page 13, in line 28, by striking "A" and inserting "C"; in line 38, by striking "A" and inserting "C";

On page 14, in line 12, by striking "treasury to the credit of the boiler inspection fee" and inserting "general"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 129** be amended on page 4, in line 34, after the period by inserting "The applicant shall be responsible for paying the actual costs associated with the public hearing."; and the bill be passed as amended.

Also, **SB 139** be amended on page 3, in line 34, by striking "Such fees shall be"; by striking all in line 35; and the bill be passed as amended.

SB 166 be amended on page 3, in line 8, by striking ", or" and inserting "that is"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 70** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 70," as follows:

"Substitute for SENATE BILL No. 70

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to definitions; amending K.S.A. 8-1436, 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-126 and 44-1204 and repealing the existing sections.";

and the substitute bill be passed.

Also, **SB 136** be amended on page 2, in line 38, by striking "in the hologram security feature"; also in line 38, by striking "back side"; in line 39, by striking "of the"; also in line 39, after the first "license" by inserting "at a location to be determined by the secretary of revenue"; in line 41, after "discharge" by inserting "or general discharge under honorable conditions,"; also in line 41, after "form" by inserting "or equivalent";

On page 3, in line 4, by striking "served under honorable conditions" and inserting "was honorably discharged or received a general discharge under honorable conditions";

On page 5, in line 7, by striking "in the hologram security feature"; in line 8, by striking "back side of the"; also in line 8, after "card" by inserting "at a location to be determined by the secretary of revenue"; in line 11, after "discharge" by inserting "or general discharge under honorable conditions,"; also in line 11, after "form" by inserting "or equivalent"; in line 17, after "conditions" by inserting "or received a general discharge under honorable conditions"; following line 34, by inserting:

"Sec. 3. K.S.A. 2012 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 K.S.A. 2012 Supp. 8-1025, 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 or K.S.A. 2012 Supp. 8-1025, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by 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. 2012 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; or

(H) assisting the Kansas commission on veterans affairs in notifying veterans of the facilities, benefits and services available to veterans.

(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.";

Also on page 5, in line 35, by striking "and" and inserting a comma; also in line 35, after "8-1324" by inserting "and 74-2012"; in line 36, after "after" by inserting "July 1, 2014, and";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "veterans;" by inserting "authorizing the director of vehicles to provide information to certain requesting parties;"; also in line 2, after "8-243" by striking "and" and inserting a comma; in line 3, before "and" by inserting "and 74-2012"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted.

Recommended: **SB 56**, **SB 111** be amended by the adoption of the committee amendments, and the bills be passed as amended.

SCR 1608 be adopted.

A motion by Senator McGinn to amend **SCR 1608** failed and the following amendment was rejected: on page 2, in line 16, by striking "August" and inserting "August" and inserting "November"

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 15; Nays 25; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

A motion by Senator Francisco to amend **SCR 1608** failed and the following amendment was rejected: on page 2, in line 1, by striking all after "would"; by striking all in line 2; in line 3, by striking "legislature" and inserting "retain the current provision in the Kansas constitution that the legislature shall make suitable provision for the financing of the educational interests of this state, and add a statement that the financing of the educational interests of this state is exclusively a legislative power"; in line 5, by striking all after "constitution"; by striking all in lines 6 through 8; in line 9, by striking "determine necessary" and inserting "that the legislature shall make suitable provision for the financing of the educational interests of this state without a statement that the financing of the educational interests of this state is exclusively a legislative power"

Senator Francisco withdrew an amendment on **SCR 1608**.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce, an emergency was declared by a 2/3 constitutional majority, and **SB 56**, **SB 111**; **SR 1608** were advanced to Final Action and roll call.

SB 56, AN ACT concerning county fairs; transferring recognition of county fairs and fair associations from the secretary of agriculture to the board of county commissioners; amending K.S.A. 19-1561b and K.S.A. 2012 Supp. 2-127, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-144d and 2-158 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 111, AN ACT designating native American legislative day at the capitol; amending K.S.A. 35-205 and repealing the existing section.

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

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

The bill passed, as amended.

SCR 1608, to amend section 6 of article 6 of the constitution of the state of Kansas; relating to school finance.

A two-thirds constitutional majority having voted in favor of the resolution, **SCR 1608** was adopted.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

EXPLANATION OF VOTE

Madam President: I vote no on **SCR 1608**. The commitment to education being a fundamental right was placed in the Kansas constitution at the beginning of our statehood. It was amended in 1966 by the people of Kansas to read "The legislature shall make suitable provision for finance of the education interest of the state." Since 1966, the Kansas system has worked extremely well. Measures of educational attainment have steadily increased. Kansas ranks among the top states in education not just in our region but nationally. While the cost of providing this system has increased, the level of funding from the state has fallen behind. The Kansas Constitution currently gives sole power to the Legislature to appropriate money through Article 2, Section 24. The Legislature is certainly able to make decisions about whether to fully fund the current school finance formula and each year, this body exercises that power. However, when the Legislature fails to provide for a suitable education for Kansas children, the people of Kansas must have an avenue for relief. That relief is the Kansas court system. That is why I vote no.—ANTHONY HENSLEY

Senators Francisco, Haley, Hawk, Holland, Pettey and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SCR 1608**.

Madam President: The people have constitutionally charged the Kansas legislature to adequately fund K-12 education and likewise seek to hold the legislature accountable in carrying out that duty. As a duly-elected Kansas official, I fully embrace this and all other constitutionally charged duties. I vote "no" on **SCR 1608**.—TOM HOLLAND

Senators Kelly, Pettey, Hawk, Francisco and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **SCR 1608**.

Madam President: I vote NO on **SCR 1608**. I do not believe that is it necessary to add the statement that financing the educational interests of this state is exclusively a legislative power because the legislature has the exclusive power to make appropriations for education and everything else. I object to the explanatory statement that is to be printed on the ballot. Both a vote for and a vote against this amendment would retain the current provision in the constitution that "The legislature shall make suitable provision for finance of the educational interests of the state" that has been interpreted by the Kansas Supreme Court. The court has made decisions to ask the legislature to fund education in amounts that the legislature has determined are necessary. I voted to increase funding for education in 2005 and regret that the

legislature has not lived up to its promises to continue to make adequate appropriations for suitable funding for education.—MARCI FRANCISCO

Senators Haley and Holland request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SCR 1608**.

On motion of Senator Bruce the Senate adjourned pro forma until 10:00 a.m., Friday, February 22, 2013.

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, February 22, 2013, 10:00 a.m.

The Senate met pro forma with President Susan Wagle in the chair.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 218**.

CHANGE OF REFERENCE

The President withdrew **SB 173** from the Committee on **Education**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 216** from the Committee on **Ethics, Elections and Local Government**, and referred the bill to the Committee on **Ways and Means**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, February 25, 2013.

Journal of the Senate

TWENTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, February 25, 2013, 2:30 p.m.

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

Heavenly Father our time is in your hands. As we recover from one storm and prepare for another we pause and contemplate the awesome power of nature. We pray for those who travel and may be separated for periods of time from their homes and loved ones. We pray for those who patrol our roads and streets, and for those who respond when accidents occur. We pray for the homeless and those who shelter them from the elements. Help us Lord to recognize your presence and rely on your care. In your holy name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 219, AN ACT concerning child abuse reporting; amending K.S.A. 2012 Supp. 38-2226 and repealing the existing section, by Committee on Federal and State Affairs.

SB 220, AN ACT concerning certain crimes; amending K.S.A. 2012 Supp. 21-6403 and repealing the existing section, by Committee on Federal and State Affairs.

SB 221, AN ACT concerning cremation; priority of decedents fully funded prearranged cremation plan; amending K.S.A. 2012 Supp. 65-1734 and repealing the existing section, by Committee on Ways and Means.

SB 222, AN ACT concerning property taxation; relating to protesting payment of taxes; loans by pooled money investment board to local taxing district; payment of refund of taxes; amending K.S.A. 2012 Supp. 79-2005 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2122**, **HB 2125**.

Education: **HB 2140**, **HB 2156**.

Financial Institutions and Insurance: **HB 2152**.

Public Health and Welfare: **HB 2148**.

Transportation: **HB 2202**.

Ways and Means: **HB 2142, HB 2143, HB 2145, HB 2149**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2014, HB 2164, HB 2261**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2014, HB 2164, HB 2261 were thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

SB 56, SB 111 reported correctly engrossed February 22, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** recommends **SB 121** be amended on page 1, in line 16, by striking "on accreditation of"; in line 17, by striking "health care organizations or" and inserting a comma; also in line 17, after "association" by inserting "or DNV healthcare"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 117** be passed.

On motion of Senator Bruce, the Senate adjourned until 4:30 p.m., Tuesday, February 26, 2013.

Journal of the Senate

THIRTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 26, 2013, 4:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-six senators present.
Senators Apple, Emler, LaTurner and Longbine were excused.
Invocation by Father Don Davidson:

Snow days bring various reactions: children are thrilled with visions of what a day away from school might bring. Parents who work away from home might not know the difference but woe unto the parent that finds a full day with their beloved off-spring without a single thing to do. First elation, followed by realization, then frustration, and capitulation, leading to appreciation when the weather turns warm again. So let us remember those patient parents of today and pray that God will grant them a lively sense of understanding, forgive them for untoward thoughts and bless them tonight with blissful sleep. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 223, AN ACT concerning wildlife: relating to crossbow hunting; amending K.S.A. 2012 Supp. 32-932 and repealing the existing section, by Committee on Ways and Means.

SB 224, AN ACT concerning school districts; relating to certain weightings in the school district finance and quality performance act; amending K.S.A. 72-6415 and K.S.A. 2012 Supp. 72-3715, 72-3716, 72-6407, 72-6414, 72-6415b and 72-6455 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 72-6413, 72-6448, 72-6454 and 72-6456, 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 222**.

Education: **HB 2261**.

Federal and State Affairs: **SB 220**, **SB 221**.

Judiciary: **HB 2014**, **HB 2164**.

Public Health and Welfare: **SB 219**.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2051; HB 2077, HB 2078, HB 2138, HB 2167, HB 2169, HB 2177; Substitute HB 2207.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2051; HB 2077, HB 2078, HB 2138, HB 2167, HB 2169, HB 2177; Substitute HB 2207 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1711 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 26, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 87** be amended on page 1, following line 12, by inserting:

"(e) "Manufacturer" means the entity responsible for producing, processing, packaging and labeling grain, and any additional supplements to such grain, as commercial equine feed.";

On page 2, in line 14, after "audit" by inserting "and annual report"; also in line 14, after "agriculture" by inserting "and to the house and senate agriculture committees of the legislature"; in line 16, after "information" by inserting ", as requested by the secretary,";

On page 3, following line 5, by inserting:

"(d) The board may not use assessment funds for any rails to trails development or program."; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2060**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce** recommends **SB 149** be passed.

Committee on **Education** recommends **SB 128** be passed.

Committee on **Federal and State Affairs** recommends **SB 54**, be amended by adoption of the amendments recommended by the Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on February 7, 2013, and the bill, as printed with amendments by Senate Committee, be passed.

Also, **SB 147** be amended on page 1, in line 13, by striking all after the period; by striking all in line 14; in line 36, by striking "carry liability insurance in an";

On page 2, by striking all in lines 1 and 2; in line 3 by striking "such coverage" and inserting "have anhydrous tanks inspected annually by inspectors approved by the secretary as qualified to perform such inspections"; in line 9, by striking "in the form of a certificate of liability"; by striking all in lines 10 through 30; in line 31, by striking "period"; following line 31, by inserting:

"(g) The secretary shall develop rules and regulations that recognize governmental and other business self-insurance programs and utility companies, railroads and transportation companies that comply with and are inspected under federal regulations of anhydrous ammonia.";

And by redesignating subsections accordingly;

On page 3, following line 5, by inserting:

"(i) the provisions of this section shall not apply to motor carriers transporting anhydrous ammonia in a cargo tank subject to the requirements of 49 C.F.R. § 173.315 as in effect on February 1, 2013, with capacities in excess of 3,500 water gallons.

"Motor carrier" means any person that holds a certificate of public service or a private carrier permit from the state corporation commission, or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504a and has a current hazardous materials safety permit issued by the federal motor carrier safety administration of the United States department of transportation as required by 49 C.F.R. § 395 subpart E as in effect on February 1, 2013.

(j) No motor carrier shall cause any tank to be filled with anhydrous ammonia from such cargo tank within this state unless such tank displays a current permit to fill from the secretary.";

And by redesignating subsections accordingly;

On page 4, in line 30, by striking "the administrative"; by striking all in line 31; in line 32, by striking "private property and to inspect facilities and equipment."; in line 38, after the stricken material by inserting "the secretary, or an authorized representative of the secretary, may enter any premises or vehicle in or on which any anhydrous ammonia may be located or used for the purposes of trade, for the purpose of inspecting, testing and sealing or rejecting the same. Whoever hinders, obstructs or in any way interferes with the secretary or an authorized representative of the secretary, while in the performance of the inspection, shall be deemed guilty of a class C, nonperson misdemeanor."; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 60, SB 142** be passed.

Also, **SB 81** be amended on page 3, in line 3, by striking the third "or"; in line 4, by striking "disposal";

On page 7, in line 26, by striking "The agency"; by striking all in line 27; in line 28, by striking "services office or community correctional services office or"; in line 33, after "access." by inserting "Such restriction shall expire after five years and such officer may file with the custodian of such record a new request for restriction at any time."; in line 41, by striking "or such person's employer";

On page 8, in line 3, after "access." by inserting "Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(53) Records of a public agency that would disclose the name, home address, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law."; and the bill be passed as amended.

SB 125 be amended on page 1, in line 7, by striking "2014" and inserting "2015"; in line 16, by striking "2014" and inserting "2015"; in line 19, by striking "2014" and inserting "2015"; and the bill be passed as amended.

SB 167 be amended on page 1, in line 7, after "rape," by inserting "aggravated criminal sodomy,"; in line 16, by striking "the limitation of time provided by the law pertaining to such offense" and inserting "10 years"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 199** be amended on page 1, in line 16, after "stem" by inserting "cell";

On page 2, in line 7, by striking "oversight" and inserting "coordination"; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 164** be amended on page 5, in line 15, by striking "motor"; in line 16, by striking "Motor"; in line 18, by striking "motor"; in line 21, by striking "Motor";

On page 6, in line 15, by striking "motor"; in line 21, by striking "motor"; in line 26, by striking "motor"; in line 27, after "(d)" by inserting:

"The department may appoint contractors to perform some or all of the vehicle functions agreed to by the department and the contractor to be performed. In circumstances involving vehicle registrations, the department shall be required to make the findings required by subsection (c) before contracting with a contractor that is not a county treasurer.

(e)";

In line 28, by striking "subsection" and inserting "subsections"; also in line 28, after "(c)" by inserting "and (d)"; in line 29, by striking "motor"; in line 32, by striking "motor"; in line 34, by striking "motor"; in line 36, by striking "motor"; in line 39, by striking "motor"; in line 43, by striking "motor";

On page 1, in the title, in line 1, by striking "motor"; and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, February 27, 2013.

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 27, 2013, 2:30 p.m.

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

Heavenly Father:

There are times in life when it is good that we have been given so many gifts. We are thankful that we human beings have the gift of music, speech and reason. We thank you for our ability to think things through and for our skills at concentration and memory. Yet Lord, remind us not to be so totally convinced of our own abilities that we listen not to those who love or to you. Make us mindful of your presence and hopeful for your guidance.

In your Holy Name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 225, AN ACT concerning telecommunications; relating to KAN-ED; amending K.S.A. 2012 Supp. 75-7224 and repealing the existing section, by Committee on Assessment and Taxation.

SB 226, AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 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:

Education: **SB 224**.

Federal and State Affairs: **SB 223**; **HB 2077**, **HB 2167**.

Judiciary: **HB 2169**.

Natural Resources: **Sub HB 2051**; **HB 2138**; **Sub HB 2207**.

Public Health and Welfare: **HB 2078**.

Transportation: **HB 2177**.

CHANGE OF REFERENCE

The President withdrew **SB 223** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Natural Resources**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2049, HB 2050, HB 2075, HB 2118, HB 2151, HB 2153, HB 2176, HB 2181, HB 2209, HB 2259.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Announcing passage of **HB 2049, HB 2050, HB 2075, HB 2118, HB 2151, HB 2153, HB 2176, HB 2181, HB 2209, HB 2259.** were thereupon introduced and read by title.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2060** appearing on the consent calendar, the President directed the bill be removed and placed on the Calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Pursuant to Senate Rule 11, the President withdrew **Senate Bill 48** from the Committee on **Commerce** and placed the bill on the Calendar under the heading of General Orders.

Also, move to withdraw **Senate Concurrent Resolution 1607** from the Committee on **Ethics, Elections and Local Government** and have it placed on the Calendar under the heading of General Orders.

TOM HOLLAND
District 3

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 57** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 57," as follows:

"Substitute for SENATE BILL No. 57
By Committee on Agriculture

"AN ACT concerning agriculture; relating to animal health; poultry improvement; domesticated deer; amending K.S.A. 2012 Supp. 2-907 and 47-2101 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672 and 47-2101a."; and the substitute bill be passed.

Also, **SB 120** be amended on page 1, in line 12, by striking all after "products"; in line 31, by striking "shall" and inserting "may"; and the bill be passed as amended.

SB 168 be amended on page 2, in line 29, by striking "county" and inserting "local"; in line 41, after "the" by inserting "wholesale"; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 187** be amended on page 2, in line 26, by striking "which" and inserting ". Whenever the workers compensation administrative law judge nominating and review committee or the workers compensation board nominating committee, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the workers compensation and employment security boards nominating committee. The workers compensation and employment security boards nominating committee";

On page 6, in line 24, after "board." by inserting "Whenever the workers compensation board, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the workers compensation appeals board.";

On page 9, in line 23, by striking "three" and inserting "two"; in line 29, by striking "a majority comprised of not less than three of the members"; in line 30, by striking "hearing the case" and inserting "at least three board members";

On page 12, in line 12, after "for" by inserting "appointment to"; also in line 12, after "review" by inserting ", subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto"; and the bill be passed as amended.

Committee on **Education** recommends **SB 171** be amended on page 2, in line 37, after the semicolon by inserting "and"; in line 38, by striking all after "(B)"; by striking all in lines 39 and 40; in line 41, by striking "(C)"; also in line 41, by striking all after "year"; by striking all in lines 42 and 43;

On page 3, in line 1, by striking all before the period and inserting "and actual expenditures for the immediately preceding two school years showing total dollars net of transfers and dollars per pupil for each of the following:

- (1) Function 1000, instruction;
- (2) function 2100, student support;
- (3) function 2200, instructional staff support;
- (4) functions 2300 through 2500, administration;
- (5) function 2600, operation and maintenance;
- (6) function 2700, transportation;
- (7) function 3100, food service;
- (8) functions 2900, 3200 and 3300, other current spending;
- (9) function 4000, capital outlay;
- (10) function 5100, debt service;
- (11) the total expenditures which is the sum of the amounts in paragraphs (1) through (10);
- (12) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of total expenditures;
- (13) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of current spending, which is the sum of expenditures for functions 1000 through 3300 less capital outlay and debt service expenditures included in any of those functions; and
- (14) the revenue in total dollars net of transfers both in total and disaggregated to show the amount of revenue received from local, state and federal revenue sources.

For purposes of this paragraph, all per pupil amounts shall be calculated using the full-time equivalent enrollment of the school district. All function categories and other accounting categories shall refer to those same categories as established and required for financial accounting purposes by the state board through rules and regulations adopted by the state board and in effect on July 1, 2013"; and the bill be passed as amended.

Also, recommends **SB 176** be amended on page 1, in line 4, by striking "9" and inserting "10"; in line 7, by striking "9" and inserting "10"; in line 27, by striking "of education";

On page 2, in line 7, after "application" by inserting "on or before the conclusion of

such 90-day period"; in line 35, by striking "9" and inserting "10"; in line 42, by striking "K.S.A. 75-2315 et" in line 43, by striking all before the second comma and inserting "all laws governing the issuance of general obligation bonds by school districts";

On page 3, in line 8, by striking "9" and inserting "10"; in line 21, by striking "public innovative" and inserting "school"; in line 23, after "education" by inserting "of a school district"; in line 38, after the period by inserting "The coalition board, in its sole discretion, shall approve or deny the request. As part of its review of such request, the coalition board may make recommendations to the requesting school district to modify the request, and may consider any such modifications prior to making a final decision.";

On page 4, in line 34, by striking "9" and inserting "10";

On page 5, in line 14, by striking "9" and inserting "10"; following line 14, by inserting:

"Sec. 7. (a) If at any time a public innovative district fails to meet any of the renewal criteria set forth in subsection (b) of section 6, and amendments thereto, for two or more consecutive school years, then:

(1) Such public innovative district may submit a petition to the state board for a release of the grant of authority to operate as a public innovative district; or

(2) the coalition board may submit a petition to the state board requesting that such public innovative district have its grant of authority to operate as a public innovative district revoked.

(b) If a petition is submitted to the state board pursuant to subsection (a)(1), then the state board shall grant such petition and release such public innovative district from the grant of authority to operate as a public innovative district. Such release shall be effective for the school year immediately succeeding the grant of the petition.

(c) If a petition is submitted to the state board pursuant to subsection (a)(2), then the state board shall hold a hearing on the issues in controversy. Representatives of the public innovative district shall be provided the opportunity to present information refuting the basis upon which the petition is premised. At least 30 days' notice shall be provided to the board of education of the public innovative district prior to the hearing. Within 60 days after the hearing, the state board shall determine whether to grant or deny the petition. Notification of such decision shall be sent to the board of education of the public innovative district and shall specify the reasons therefor. If the petition is granted, the authority to operate as a public innovative district shall be revoked commencing with the school year immediately succeeding the grant of the petition.";

Also on page 5, in line 28, by striking "9" and inserting "10";

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

Committee on **Ethics, Elections and Local Government** recommends **SB 64** be amended on page 1, following line 4, by inserting the following:

"Section 1. K.S.A. 2012 Supp. 25-205 is hereby amended to read as follows: 25-205. (a) Except as otherwise provided in this section, the names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12 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. (as registered).	Street Number or Rural Route	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 as defined in section 9, and amendments thereto,~~ 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 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 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 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 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. 2. K.S.A. 2012 Supp. 25-302a is hereby amended to read as follows: 25-302a. Any political party seeking official recognition in this state after the effective date of this act shall file in its behalf, not later than ~~12:00~~ 12 noon, June 1, prior to the primary election held on the first Tuesday of August in even-numbered years, or if such date falls on a Saturday, Sunday or a holiday, then before ~~12:00~~ 12 noon of the next following day that is not a Saturday, Sunday or a holiday petitions signed by qualified electors equal in number to at least 2% of the total vote cast for all candidates for the office of governor in the state in the last preceding general election. Such petitions shall declare support for the official recognition of a political party, the name of which shall be stated in the declaration. No political party seeking official recognition shall assume a name or designation which, in the opinion of the secretary of state, is unreasonably lengthy or so similar to the name or designation of an existing political party as to confuse or mislead the voters at an election.

Petitions seeking official recognition of a political party shall be substantially in the following form:

PETITION SEEKING THE OFFICIAL
RECOGNITION OF THE _____ PARTY
IN THE STATE OF KANSAS

I, the undersigned, hereby declare my support for the official recognition of the _____ Party.

I have personally signed this petition; I am a registered elector of the state of Kansas and the County of _____, and my residence address is correctly written after my name.

NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

Appended to each petition page or set of pages shall be an affidavit by the petition circulator as defined in section 9, and amendments thereto, of the petition affirming that such circulator ~~is a resident of the state of Kansas and has the qualifications of an elector in Kansas and that the circulator~~ personally witnessed the signing of the petition by each person whose name appears thereon. The affidavit shall be executed before a person authorized to administer oaths and include the address of the circulator.

Each page of such petition shall bear the names of registered voters of a single county. All petitions shall be grouped according to the county in which each was circulated before being filed with the secretary of state. All such petitions shall be filed at one time. Any related petitions presented thereafter will be deemed to be separate and not a part of earlier filings. County election officers shall cooperate with the secretary of state in verifying the sufficiency of these petitions as required by law.

The secretary of state shall transmit such petitions to the county election officer of each county for which petitions were presented to be examined for sufficiency pursuant to the provisions of K.S.A. 25-3601 et seq., and amendments thereto, and applicable regulations. Not more than 20 days following receipt of such petitions from the secretary of state, the county election officer shall return these documents to the

secretary of state certifying the number of sufficient signatures thereon. The secretary of state shall gather all petitions and determine whether a sufficient number of signatures was submitted. The secretary of state shall forthwith notify the person who submitted the declaration of intent to circulate such petitions of the sufficiency or insufficiency of the number of signatures.

Sec. 3. K.S.A. 2012 Supp. 25-303 is hereby amended to read as follows: 25-303. (a) This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in April.

(b) All nominations other than party nominations shall be independent nominations. No person who has declared and retains a party affiliation in accordance with K.S.A. 25-3301, and amendments thereto, shall be eligible to accept an independent nomination for any office.

Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 5,000 qualified voters for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

(c) Independent nominations of candidates for offices to be filled by the voters of a county, district or other division less than a state may be made by nomination petitions signed by voters equal in number to not less than 4% of the current total of qualified voters of such county, district or other division as compiled by the office of the secretary of state in the case of state offices and as compiled in the office of the county election officer and certified to the secretary of state in accordance with K.S.A. 25-2311, and amendments thereto, in the case of local offices, and in no case to be signed by less than 25 nor more than 5,000 qualified voters of such county, district or division, for each candidate.

(d) Independent nominations of candidates for offices to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the current total of qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

(e) The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post office address. All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit of the candidate or a petition circulator ~~who is a resident of the state of Kansas and has the qualifications of an elector of the state of Kansas~~ shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator or candidate, a verification, signed by the circulator or candidate, to the effect that such circulator or candidate personally witnessed the signing of the petition by each person whose name appears thereon.

(f) No such nomination paper shall contain the name of a candidate for governor without in the same such paper containing the name of a candidate for lieutenant governor, and if it does it shall be void.

(g) No person shall join in nominating more than one person for the same office, and if this is done, the name of such petitioner shall not be counted on any certificate.";

Also on page 1, by striking all in lines 29 and 30; following line 30, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 25-3602 is hereby amended to read as follows: 25-

3602. (a) Each petition shall consist of one or more documents pertaining to a single issue or proposition under one distinctive title. The documents shall be filed with the county election officer or other official, if another official is designated in the applicable statutes. The filing shall be made at one time all in one group. Later or successive filings of documents relating to the same issue or proposition shall be deemed to be separate petitions and not a part of any earlier or later filing.

(b) Unless otherwise specifically required, each petition shall: (1) State the question which petitioners seek to bring to an election in the form of a question as it should appear upon the ballot in accordance with the requirements of K.S.A. 25-620 and K.S.A. 25-3601, and amendments thereto;

(2) name the taxing subdivision or other political subdivision in which an election is sought to be held;

(3) contain the following recital above the spaces provided for signatures: "I have personally signed this petition. I am a registered elector of the state of Kansas and of

(here insert name of political or taxing subdivision)

and my residence address is correctly written after my name."

The recital shall be followed by blank spaces for the signature, residence address and date of signing for each person signing the petition.

When petitioners are required by law to possess qualifications in addition to being registered electors, the form of the petition shall be amended to contain a recital specifying the additional qualifications required and stating that the petitioners possess the qualifications; and

(4) ~~contain the following recital~~ a recital in substance as follows, at the end of each set of documents carried by each petition circulator as defined in section 9, and amendments thereto: "I am the circulator of this petition and ~~a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas. I have~~ I am qualified to circulate this petition and I personally witnessed the signing of the petition by each person whose name appears thereon.

(Signature of circulator)

"

(Circulator's residence address)

The recital of the circulator of each petition shall be verified upon oath or affirmation before a notarial officer in the manner prescribed by K.S.A. 53-501 et seq., and amendments thereto.

(c) Any person who has signed a petition who desires to withdraw such person's name may do so by giving written notice to the county election officer or other designated official not later than the third day following the date upon which the petition is filed.

(d) Any petition shall be null and void unless submitted to the county election officer or other designated official within 180 days of the date of the first signature on the petition.

(e) Unless the governing body of the political or taxing subdivision in which the election is sought to be held authorizes a special election, all elections which are called as a result of the filing of a sufficient petition shall be held at the next succeeding

primary or general election as defined by K.S.A. 25-2502, and amendments thereto, in which the political or taxing subdivision is participating.

(f) When a petition requires signatures equal in number to a percentage of the total number of registered voters, such percentage shall be based on the most recent number of registered voters as certified to the office of the secretary of state pursuant to subsection (g) of K.S.A. 25-2311, and amendments thereto.

Sec. 6. K.S.A. 2012 Supp. 25-4005 is hereby amended to read as follows: 25-4005. The nomination papers or petitions as mentioned in K.S.A. 25-4004, and amendments thereto, 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 the _____ party, hereby nominate

(Here insert name and city)

and state of Kansas as a candidate for the office of governor, and running with such candidate

(Here insert name and city)

and state of Kansas as a candidate for the office of lieutenant governor to be voted for at the primary 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 candidates herein named and that I have not signed and will not sign any petition or nomination paper for any other persons, for such offices at the next ensuing election.

(HEADING)

Name of Signers (as Registered)	Street Number or RR	Name of City	Date of Signing
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All nomination papers 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.

Each signer of a nomination paper shall sign but one such paper for governor and lieutenant governor, and shall declare that such signer intends to support the candidates therein named, and shall add to the signer's signature the signer's residence, if in a city, by street and number (if any); or, otherwise by address as shown on such signer's registration. 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.

All signers of each separate nomination paper shall reside in the same county. The affidavit of a petition circulator ~~who is a resident of the state of Kansas and has the qualifications of an elector of the state of Kansas as defined in section 9, and amendments thereto,~~ shall be appended to each such nomination paper, stating that to the best of such petition circulator's knowledge and belief, all the signers thereof are

qualified electors of that county; that the petition circulator knows that they signed the same with full knowledge of the contents thereof; that their respective residences are correctly stated therein; that each signer signed the same on the date stated opposite such signer's name, and that the affiant intends to support the candidates therein named. Such affidavit shall be prima facie evidence of the facts therein stated.

Such nomination papers shall be signed by not less than 1% of the total vote of the party designated in the state. The basis of the percentage shall be the vote of the party for secretary of state at the last preceding general election of secretary of state; or, in case of a new party, the basis of a percentage shall be the vote cast for the successful candidate for secretary of state at the last preceding general election of secretary of state.

Sec. 7. K.S.A. 2012 Supp. 25-4310 is hereby amended to read as follows: 25-4310. The petitions may be circulated ~~only by a sponsor who is a resident of the state of Kansas and possesses the qualifications of an elector of the state of Kansas and by a petition circulator, as defined in section 9, and amendments thereto,~~ only in person throughout the state or election district of the state officer sought to be recalled. No copy of a petition shall be circulated in more than one county, and the county election officer of the county in which each petition is circulated shall certify to the secretary of state the sufficiency of the signatures on the petition. Any registered elector of such election district or of the state, as the case may be, may subscribe to the petition by signing the elector's name and address as the same appears on the voter registration books. A person who has signed the petition may withdraw such person's name only by giving written notice to the secretary of state before the date the petition is filed. The necessary signatures on a petition shall be secured within 90 days from the date that the petitions prepared by the secretary of state pursuant to K.S.A. 25-4309, and amendments thereto, are delivered to the recall committee. The petition shall be signed only in ink. Illegible signatures unless accompanied by a legible printed name may be rejected by the secretary of state or by any county election officer assisting the secretary of state.

Sec. 8. K.S.A. 2012 Supp. 25-4320 is hereby amended to read as follows: 25-4320. (a) Each petition for recall of a local officer shall include: (1) The name and office of the local officer sought to be recalled; (2) the grounds for recall described in particular in not more than 200 words; (3) a statement that the petition signers are registered electors of the election district of the local officer sought to be recalled; (4) the names and addresses of three registered electors of the election district of the officer sought to be recalled who shall comprise the recall committee; (5) the statement of warning required in K.S.A. 25-4321, and amendments thereto; and (6) a statement that a list of ~~all sponsors petition circulators, as defined in section 9, and amendments thereto,~~ authorized to circulate recall petitions for such recall may be examined in the office of the county election officer where the petition is required to be filed. ~~Each sponsor shall be a resident of the state of Kansas and possess the qualifications of an elector of the state of Kansas.~~

(b) Each page of a petition for recall of a local officer shall be in substantially the following form:

I, the undersigned, hereby seek the recall of _____ from the office of _____, on the ground(s) that _____, (state specific grounds)

and declare that I am a registered elector of _____ County, Kansas, and of the election district of the officer named above.

	Street Number		
Name of	or RR	Name of	Date of
Signer	(as Registered)	City	Signing

NOTE:

1. It is a class B misdemeanor to sign a name other than your own name to this petition, to knowingly sign more than once for the recall of the same officer at the same election or to sign this petition knowing you are not a registered elector.
2. The following comprise the recall committee:

(names and resident addresses)

3. A list of all ~~sponsors petition circulators, as defined in section 9, and amendments thereto,~~ authorized to circulate petitions for this recall may be examined in the office of the _____ County election officer.

(c) A county election officer shall provide a sample of the form prescribed by subsection (b) upon request by any person.

(d) The affidavit required by K.S.A. 25-4325, and amendments thereto, shall be appended to each petition for recall of a local officer.

New Sec. 9. (a) For the purposes of this act, "petition circulator" shall mean a person who is:

- (1) A United States citizen;
- (2) at least 18 years of age; and
- (3) has not been convicted of a felony.

(b) All petition circulators, whether residents or nonresidents of the state of Kansas, are required to agree to submit to the jurisdiction of the state, including its agencies, political subdivisions and election officials, for purposes of subpoena enforcement regarding the integrity and reliability of the petition process.";

And by renumbering sections accordingly;

Also on page 1, in line 31, by striking "is" and inserting "and K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 are";

Also on page 1, in the title, in line 1, after the second semicolon by inserting "relating to petitions,;" in line 2, after "and" by inserting "K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320"; also in line 2, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, recommends **SB 177** be amended on page 1, in line 6, by striking all after "(a)"; by striking all in line 7; in line 8, by striking "election,;" in line 10, by striking "a regular or"; in line 11, by striking all before the comma and inserting "any ballot, whether cast in a regular or provisional manner" in line 13, by striking "; or" and inserting "in an election contest pursuant to K.S.A. 25-1434 et seq., and amendments thereto,;" in line 14, by striking "endeavoring"; also in line 14, after "induce" by inserting "or attempt to induce"; in line 16, after "(b)" by inserting "The name of any voter who has cast a ballot shall not be disclosed from the time the ballot is cast until the final canvass of the election by the county board of canvassers.

(c)";

Also on page 1, in line 18, by striking "(c)" and inserting "(d) Nothing in this section shall prohibit authorized poll agents from observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-3005a, and amendments thereto.

(e)"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 203** be amended on page 2, in line 12, by striking "or"; in line 14, before the period by inserting ";

(5) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces; or

(6) offer customer self-service of alcoholic liquor, beer, cereal malt beverage or wine from automated devices on the licensee's premises so long as the licensee monitors and has the ability to control the consumption of such alcoholic liquor, beer, cereal malt beverage or wine from such automated devices and such consumption is monitored by video surveillance under the real-time review of the licensee's management and the Kansas racing and gaming commission";

On page 3, following line 1, by inserting:

"New Sec. 2. (a) If a person who has attained 18 years of age, or is an emancipated minor, enters premises licensed pursuant to the Kansas liquor control act or club and drinking establishment act where alcoholic liquor or cereal malt beverages are sold and offers or presents to a licensee or an agent or employee of the licensee written evidence of age, that is fraudulent or false or that is not actually the person's own, or otherwise misrepresents the person's age, for the purpose of inducing the licensee or an agent or employee of the licensee to sell, give, serve or furnish alcoholic beverages contrary to the law, shall be liable, in addition to any criminal penalty provided by law, for damages of \$1,000 and, in addition, costs and reasonable attorney fees in a civil action brought by the licensee.

(b) A person who is of legal age for the consumption of alcoholic liquor or cereal malt beverage who solicits another person or who themselves purchases or receives alcoholic liquor from a licensee under the liquor control act or the club and drinking establishment act, an agent or employee of the licensee, or another person, for the purpose of selling, giving, or serving it to a person under the age of 21 years shall be liable to the licensee for damages in a civil action for a penalty of \$1,000 and, in addition, costs and reasonable attorney fees.

(c) It is a condition precedent to maintaining a civil action under this section that the licensee send by first class mail to the defendant at the defendant's last known address 15 days or more before the civil action is commenced, a notice demanding the relief authorized. It is not a condition precedent to maintaining an action under this section that the person who allegedly violated subsection (a) or (b) was charged with or convicted under any criminal statute or ordinance regarding furnishing cereal malt beverages or alcoholic liquor to minors.

(d) A person does not violate this section if the person performs an act proscribed under this section at the request of law enforcement or the alcoholic beverage control, and such enforcement officers accompany, supervise or otherwise observe the person's act, and the purpose of the act is to assist in the enforcement of and compliance with Kansas law.";

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

Committee on **Judiciary** recommends **SB 122** be passed.

Also, **SB 63** be amended on page 1, in line 7, by striking "knowingly" and inserting "intentionally"; in line 8, by striking "offering" and inserting "attempting"; following line 14, by inserting:

"(c) This section shall be part of and supplemental to article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.";

Also on page 1, in line 17, by striking "25-2401 through 25-2433, and"; in line 18, by striking "amendments thereto, and including this act" and inserting "25-1128 or article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto";

On page 2, in line 30, before "level" by inserting "severity";

On page 3, in line 8, before "level" by inserting "severity"; in line 10, after "2423." by inserting "(a)"; in line 12, before "Election" by inserting "(b)"; in line 14, after "2431." by inserting "(a)"; in line 17, before "False" by inserting "(b)"; and the bill be passed as amended.

SB 88 be amended on page 1, in line 13, by striking "If it appears to the satisfaction"; by striking all in lines 14 and 15; in line 16, by striking "the assessment fee."; and the bill be passed as amended.

SB 118 be amended on page 2, in line 12, after "(a)" by inserting "(1)"; in line 17, after "thereto." by inserting

"(2)";

Also on page 2, in line 19, by striking the period; also in line 19, after "agency" by inserting ":

(A)";

Also on page 2, in line 20, by striking the comma and inserting ";

(B) has confirmed the safe status of the person reported missing; or

(C) has confirmed that another law enforcement agency has already completed a report on the missing person incident.

(3)";

Also on page 2, in line 21, by striking "immediately" and inserting "as soon as practical"; in line 23, after "investigation." by inserting

"(4)";

Also on page 2, by striking all in lines 26 through 43;

On page 3, by striking all in lines 1 through 29;

And by redesignating subsections accordingly; and the bill be passed as amended.

SB 124 be amended on page 1, in line 6, by striking the first "and" and inserting a comma; also in line 6, following "50-112" by inserting ", 50-158 and 50-161"; by striking all in lines 12 through 36;

On page 2, by striking lines 1 through 3 and inserting:

"(b) Except as otherwise provided in subsections (c) and (d), the Kansas restraint of trade act shall be construed in harmony with ruling judicial interpretations of comparable federal antitrust law by the United States supreme court.

(c) The Kansas restraint of trade act shall not be construed to prohibit:

(1) Actions or proceedings concerning intrastate commerce;

(2) actions or proceedings by indirect purchasers pursuant to K.S.A. 50-161, and amendments thereto;

(3) recovery of damages pursuant to K.S.A. 50-161, and amendments thereto;

(4) any remedy or penalty provided in the Kansas restraint of trade act, including, but not limited to, recovery of civil penalties pursuant to K.S.A. 50-160, and

amendments thereto; and

(5) any action or proceeding brought by the attorney general pursuant to authority provided in the Kansas restraint of trade act, or any other power or duty of the attorney general provided in such act.";

Also on page 2, in line 4, by striking "(c)" and inserting "(d)"; also in line 4, by striking all after "act"; in line 5, by striking all before "shall"; also in line 5, following "not" by inserting "be construed to"; in line 6, by striking "is governed by" and inserting "complies with"; in line 26, following "act;" by inserting:

"(6) any association that complies with the provisions and application of article 15 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the cooperative societies act;

(7) any group purchasing organization or group purchasing cooperative engaged in coordinated purchasing activities designed to obtain lower prices or increase efficiencies for its members so long as it does not possess monopoly power;"

Also on page 2, in line 27, by striking "(6)" and inserting "(8)"; in line 28, by striking "(d)" and inserting "(e)"; in line 33, by striking "(e)" and inserting "(f)";

On page 3, following line 38, by inserting:

"Sec. 4. K.S.A. 50-158 is hereby amended to read as follows: 50-158. The provisions of ~~article 1 of chapter 50 of the Kansas Statutes Annotated, and amendments thereto, and the provisions of K.S.A. 50-158 through 50-160 K.S.A. 50-101 through 50-162 and section 1,~~ and amendments thereto, may be cited as the Kansas restraint of trade act.";

And by redesignating sections accordingly;

On page 4, in line 14, by striking all after "sustained"; in line 15, by striking all before the period; in line 26, following "50-112" by inserting ", 50-108, 50-115, 50-158"; in line 28, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 2, following "50-112" by inserting ", 50-158"; also in line 2, following "sections" by inserting "; also repealing K.S.A. 50-108 and 50-115"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 216** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Donovan in the chair.

On motion of Senator Apple the following report was adopted:

Recommended: **SB 60, SB 128, SB 142** be passed.

SB 75, SB 81, SB 100, SB 121, SB 125, SB 129, SB 139, SB 149, SB 166, SB 167 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 70** recommending a **Substitute for Sub SB 70** be adopted, and the substitute bill be passed.

SB 149 be amended by motion of Senator King, on page 11, in line 40, after "is" by inserting "unlawfully";

On page 12, in line 4, after "to" by inserting "unlawful"; in line 6, after "indicating" by inserting "unlawful"; in line 14, after "for" by inserting "unlawful"; in line 18, after "for" by inserting "unlawful"; in line 31, after "for" by inserting "unlawful"; in line 37, after "for" by inserting "unlawful"; in line 41, after "for" by inserting "unlawful";

On page 13, in line 12, after "is" by inserting "unlawfully"; in line 19, after "to" by inserting "unlawful"; in line 21, after "indicating" by inserting "unlawful"; in line 29, after "for" by inserting "unlawful"; in line 32, after "for" by inserting "unlawful";

On page 27, in line 5, after "for" by inserting "unlawful"; in line 18, after "for" by inserting "unlawful"; in line 25, after "for" by inserting "unlawful";

On page 1, in the title, in line 2, after "Supp." by inserting "39-709,"

SB 149 be further amended by motion of Senator Hensley on page 28, following line 1, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor-~~or~~, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

- (1) The office of governor, lieutenant governor or attorney general;
- (2) members of the Kansas senate or house of representatives;
- ~~(2)~~ (3) any safety sensitive position;
- ~~(3)~~ (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- ~~(4)~~ (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;
- ~~(5)~~ (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto; or
- ~~(6)~~ (7) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) No person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary

action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) "Safety sensitive positions" means the following:

- (1) All state law enforcement officers who are authorized to carry firearms;
- (2) all state corrections officers;
- (3) all state parole officers;
- (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
- (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2012 Supp. 21-5914, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto; and
- (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or rehabilitative services to the clients and patients of those institutions.";

Also on page 28, in line 2, by striking "and" and inserting a comma; also in line 2, after "44-706" by inserting "and 75-4362";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to recipients of cash"; in line 2, by striking "assistance and unemployment benefits"; also in line 2, after "Supp." by inserting "39-709,"; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "44-706" by inserting "and 75-4362".

SB 149 be further amended by motion of Senator Francisco, on page 13, in line 1, by striking "eligible for cash assistance"; in line 7, by striking "order a drug screening of the"; in line 8, by striking "designated individual" and inserting "review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog".

SB 149 be further amended by Senator V. Schmidt on page 12, following line 39, by inserting the following:

"The secretary for children and families shall fund such substance abuse treatment program and job skills program with the funding available from TANF, provided that the federal law and regulations allow such expenditure. If the federal law and regulations do not allow such expenditure, the secretary for children and families shall expend moneys appropriated to the Kansas department for children and families in the state operations (official hospitality) account of the state general fund for administering the substance abuse treatment program and job skills program.";

On page 27, following line 28, by inserting the following:

"The secretary for children and families shall fund such substance abuse treatment program and job skills program with the funding available from TANF, provided that the federal law and regulations allow such expenditure. If the federal law and regulations do not allow such expenditure, the secretary for children and families shall expend moneys appropriated from the state general fund to administer and operate such programs. When the federal or any other funding is not available to fund such expenditures, the secretary for children and families shall expend moneys from the state

general fund to administer and operate such programs.” and **SB 149** be passed as further amended.

A motion by Senator Faust-Goudeau to amend **SB 149** failed and the following amendment was rejected: on page 12, in line 19, by striking "substance abuse treatment program"; by striking all in line 20; in line 21, by striking "secretary of commerce" and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 24, by striking "substance"; in line 25, by striking "abuse"; also in line 25, by striking the first "program" and inserting "plan"; in line 27, by striking "substance abuse"; also in line 27, after "treatment" by inserting "plan"; in line 28, by striking "substance abuse" and inserting "the"; also in line 28, after "treatment" by inserting "plan"; in line 33, by striking "substance abuse treatment program" and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 36, by striking "substance abuse treatment" and inserting "the recommended treatment plan";

On page 27, in line 6, by striking "substance abuse treatment program"; by striking all in line 7; in line 8, by striking "children and families," and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 12, by striking "substance abuse"; also in line 12, by striking "program" and inserting "plan"; in line 14, by striking "substance abuse"; also in line 14, after "treatment" by inserting "plan"; in line 15, by striking "substance abuse" and inserting "the"; also in line 15, after "treatment" by inserting "plan"; in line 20, by striking "substance"; in line 21, by striking "abuse treatment program" and inserting "clinical evaluation for purposes of diagnosis by an individual who is authorized and licensed by the state of Kansas to diagnose and treat mental disorders at the independent level. Based on the diagnosis and recommendation of such clinical evaluation, the applicant or recipient of cash assistance shall complete the recommended treatment plan"; in line 24, by striking "substance abuse treatment" and inserting "the recommended treatment plan"

A motion by Senator Hensley to amend **SB 149** failed and the following amendment was rejected: on page 28, following line 1, by inserting:

"New Sec. 5. (a) Each person elected to the legislature as a condition for taking public office shall undergo a drug screening for testing of unlawful use of a controlled substance or controlled substance analog.

(b) Any legislator who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the division of legislative administrative services. Any legislator who fails to complete or refuses to participate in the substance abuse treatment program as required under this section shall be ineligible to receive public funds for legislative compensation or expenses until completion of such substance abuse treatment program.

Upon completion of substance abuse treatment, such legislator shall be subject to periodic drug screening. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, the legislator shall be ordered to complete again a substance abuse treatment program approved by the director of legislative administrative services and shall not receive legislative compensation or expenses for a period of 12 months, or until such legislator completes the substance abuse treatment program. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, the legislator's compensation and expenses shall be terminated.

(c) As used in this section:

(1) "Controlled substance" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802; and

(2) "controlled substance analog" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "relating to recipients of cash"; in line 2, by striking "assistance and unemployment benefits;"; in line 2, after "Supp." by inserting "39-709,"

Upon showing of five hands a roll call was requested.

On roll call, the vote was: Yeas 17; Nays 21; Present and Passing 0; Absent or Not Voting 2.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Love, McGinn, O'Donnell, Petersen, Pettey, V. Schmidt, Smith, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, Longbine, Lynn, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Tyson, Wagle.

Absent or Not Voting: Donovan, Masterson.

EXPLANATION OF VOTE

Mr. Chairman: I fully support the idea that legislators should be tested for use of illegal drugs under the same standards as others affected by this bill. In fact, I voted for the amendment to this bill that does so. As a legislator, I took an oath to uphold the constitutions of the United States and State of Kansas. In *Chandler v. Miller*, 520 U.S. 305 (1997), the U.S. Supreme Court clearly found unconstitutional a bill identical to this proposed amendment. I will not vote for blatantly unconstitutional legislation like this proposed amendment. To protect the United States Constitution and the trust placed in me by my constituents, I reject this unconstitutional amendment. I vote "No" on **SB 149**. – JEFF KING

Senators Abrams, Apple, Arpke, Bruce, Denning, Kerschen, Knox, Longbine, Lynn, Melcher, Olson, Pilcher-Cook, Pyle and Tyson request the record to show they concur with the "Explanation of Vote" offered by Senator King on **SB 149**.

A motion by Senator Hensley to amend **SB 149** failed and the following amendment was rejected: on page 28, following line 1, by inserting:

"New Sec. 5. (a) The secretary of commerce shall order drug screening of owners or officers of businesses that are applicants for or recipients of benefits from the high performance incentive program, K.S.A. 79-32,160a, and amendments thereto, the high

performance incentive act or fund, K.S.A. 74-50,131 et seq., and amendments thereto, the promoting employment across Kansas act, K.S.A. 74-50,210 et seq., and amendments thereto, and accelerated depreciation programs as provided by K.S.A. 79-32,143a, and amendments thereto, at any time when reasonable suspicion exists that such owner or officer of a business applicant for or recipient of benefits from such economic development assistance program is unlawfully using a controlled substance or controlled substance analog. The secretary of commerce may use any information obtained by the secretary of commerce to determine whether such reasonable suspicion exists, including, but not limited to, an officer or owner's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the owner or officer indicating unlawful use of a controlled substance or controlled substance analog. Where the secretary of commerce has determined reasonable suspicion exists, participation in such testing shall be a condition for the business of the owner or officer to continue to receive state income tax benefits pursuant to such economic development assistance programs.

(b) Any owner or officer whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any owner or officer who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such owner or officer who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(c) Any owner or officer who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary of commerce. The business of any owner or officer who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this section shall be ineligible to receive economic development assistance or state economic development income tax benefits until completion of such substance abuse treatment. Upon completion of the substance abuse treatment programs, such owner or officer of a business recipient of economic development income tax benefits may be subject to periodic drug screening, as determined by the secretary of commerce. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an owner or officer shall be ordered to complete again a substance abuse treatment program, and the business of such owner or officer shall be terminated from economic development assistance benefits or economic development income tax benefits for a period of 12 months, or until such owner or officer completes a substance abuse treatment program, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, the business of the officer or owner that is receiving economic development assistance or economic development income tax benefits shall be terminated from such benefits and shall not be eligible for such programs.

(d) If an officer or owner of a business applicant for or recipient of economic development assistance or economic development income tax benefits has been convicted under federal or state law of any offense which is classified as a felony by the

law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such business shall thereby become forever ineligible to receive any economic development assistance or economic development income tax benefits under this section unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense which is classified as a felony by the law of the jurisdiction and which has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, the business of such owner or operator shall become ineligible to receive economic development assistance or economic development income tax benefits for five years from the date of conviction.

(e) Except for hearings before the Kansas department of commerce or criminal prosecutions, the results of any drug screening administered as part of the drug screening program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of commerce may adopt such rules and regulations as are necessary to carry out the provisions of this section.

(g) Any authority granted to the secretary of commerce under this section shall be in addition to any other penalties prescribed by law.

(h) As used in this section:

(1) "Economic development assistance," "economic development income tax benefits," or "economic development assistance programs" means the economic development assistance programs of, and benefits pursuant to, the high performance incentive act or high performance incentive fund, pursuant to K.S.A. 79-32,160a, and amendments thereto, and K.S.A. 74-50,131 et seq., and amendments thereto, the promoting employment across Kansas act, K.S.A. 74-50,210 et seq., and amendments thereto, and expensing programs pursuant to K.S.A. 79-32,143a, and amendments thereto.

(2) "Controlled substance" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto, and 21 U.S.C. § 802.

(3) "Controlled substance analog" means the same as in K.S.A. 2012 Supp. 21-5701, and amendments thereto.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, following "benefits" by inserting "owners and operators of business recipients of state income tax benefits;"

Upon the showing of five hands a roll call was requested:

On roll call, the vote was: Yeas 7; Nays 29; Present and Passing 2; Absent or Not Voting 2.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Kelly, McGinn.

Absent or Not Voting: Donovan, Masterson.

EXPLANATION OF VOTE

Mr. Chairman: I campaigned on the promise to solve major problems facing Kansans, such as job creation, improvement of education for our children, and the wise use of taxpayer dollars. I arrived in the Senate ready to fulfill this promise, not participate in political theatrics. My constituents and I have grown weary of such antics, and that is why I oppose this amendment. I vote “no” on **SB 149**. – JEFF MELCHER

Senators Lynn and Holmes request the record to show they concur with the “Explanation of Vote” offered by Senator Melcher.

Mr. Chairman: My constituents sent me to Topeka to protect their hard-earned tax dollars. This amendment would require the expenditure of millions of taxpayer dollars for drug testing and treatment of out-of-state and even foreign officers and owners of any business receiving incentives from the State of Kansas. That's absurd. I don't want dollars meant to help Kansans spent to benefit foreign workers. I promised my constituents that I would spend public funds wisely and only support legislation that truly helps Kansans in need. I intend on keeping that promise. I vote “no” on **SB 149**. – JEFF KING

Senators Apple and Petersen request the record to show they concur with the “Explanation of Vote” offered by Senator King on **SB 149**.

Senator Haley offered an amendment on **SB 149**; a ruling of the Chair was requested as to the germaneness of the amendment. The Chair ruled the amendment was not germane. The Chair was challenged and the rules committee concurred. A voice vote sustained the ruling of the Chair.

Senator McGinn moved **SB 149** be rereferred to the Committee on **Commerce**. The motion failed.

SB 136 be amended by adoption of the committee amendments, be further amended by motion of Senator Petersen, on page 5, in line 24, by striking "served under honorable conditions" and inserting "was honorably discharged" and **SB 136** be passed as further amended.

SB 164 be amended by the adoption of the committee amendments, be further amended by motion of Senator Petersen, on page 1, in the title, in line 1, before "vehicles" by inserting "motor"; in line 2, by striking "motor" and **SB 164** be passed as further amended.

The committee report on **SB 199** be adopted and the bill be passed over and retain a place on the calendar.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Thursday, February 28, 2013.

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 28, 2013, 9:00 a.m.

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

Creator God. You have brought us in safely to a new day. Preserve us with your mighty power that we may not fall, or disappoint; nor be overcome by adversity; and in all we do direct us to the fulfilling of your purpose. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2049, HB 2050.**

Education: **HB 2181.**

Ethics, Elections and Local Government: **HB 2075, HB 2118.**

Federal and State Affairs: **SB 226.**

Judiciary: **HB 2209, HB 2259.**

Public Health and Welfare: **HB 2151, HB 2153.**

Transportation: **HB 2176.**

Utilities: **SB 225.**

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

Pursuant to Senate Rule 11, Senator Holland moved to withdraw **SB 48** from the Committee on **Commerce** and be placed on the Calendar under the heading of General Orders.

On roll call, the vote was: Yeas 6; Nays 34; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland.

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

The motion failed.

EXPLANATION OF VOTE

Madam President: E-verify is a proven, practical tool for verifying the work authorization status of workers in the United States. Federal contractors are currently required to use e-verify for staffing their federal contracts and Kansas should likewise be requiring the same of those state contractors with large contracts. – TOM HOLLAND

Pursuant to Senate Rule 11, Senator Holland moved to withdraw **SCR 1607** from the Committee on **Ethics, Elections and Local Government** and placed on the Calendar under the heading of General Orders.

On roll call, the vote was: Yeas 7; Nays 32; Present and Passing 1; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Kelly.

The motion failed.

EXPLANATION OF VOTE

Madam President: The United States Supreme Court is confused. They believe that corporate dollars are equal to political free speech, and nothing could be further from the truth. The citizens' voices are being drowned out by the special interests, and we simply must correct this situation. – TOM HOLLAND

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 60, AN ACT concerning open records; relating to requests for criminal justice information; amending K.S.A. 2012 Supp. 45-220 and repealing the existing section, was considered on final action.

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

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

The bill passed.

Sub Bill for SB 70, AN ACT concerning motor vehicles; relating to definitions; amending K.S.A. 8-1436, 40-298 and 59-3508 and K.S.A. 2012 Supp. 8-126 and 44-1204 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The substitute bill passed.

SB 75, AN ACT concerning plastic bulk merchandise containers; relating to sales; records; civil penalties, was considered on final action.

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

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

The bill passed as amended.

SB 81, AN ACT concerning open records; relating to public officials' identifying information; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, was considered on final action.

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

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

The bill passed as amended.

SB 100, AN ACT concerning candidates and lobbyists filings; amending K.S.A. 25-904, 25-4173 and 46-268 and repealing the existing sections, was considered on final action.

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

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

The bill passed as amended.

SB 121, AN ACT concerning state institutions; regarding licensure and renewal of licenses; amending K.S.A. 65-429 and repealing the existing section, was considered on final action.

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

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

The bill passed as amended.

SB 125, AN ACT concerning enforcement of support orders; relating to income withholding; income withholding act; support enforcement services; amending K.S.A. 39-7,148 and K.S.A. 2012 Supp. 23-3102, 23-3103, 23-3104, 23-3105 and 39-7,147 and repealing the existing sections, was considered on final action.

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

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

The bill passed as amended.

SB 128, AN ACT concerning the career technical education incentive program; amending K.S.A. 2012 Supp. 72-4489 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 129, AN ACT concerning the state bank commissioner; pertaining to fees; pertaining to costs of certain hearings; amending K.S.A. 9-804 and K.S.A. 2012 Supp. 9-1111, 9-1135, 9-1402, 9-1804, 9-2107, 9-2108 and 9-2111 and repealing the existing sections, was considered on final action.

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

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

The bill passed as amended.

SB 136, AN ACT concerning drivers' licenses and nondriver identification cards; relating to veterans; authorizing the director of vehicles to provide information to certain requesting parties; amending K.S.A. 2012 Supp. 8-243, 8-1324 and 74-2012 and repealing the existing sections, was considered on final action.

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

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

The bill passed as amended.

SB 139, AN ACT concerning money transmitters; amending K.S.A. 2012 Supp. 9-508, 9-509, 9-510, 9-511, 9-513, 9-513c and 9-513d and repealing the existing sections, was considered on final action.

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

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

The bill passed as amended.

SB 142, AN ACT concerning abortion; relating to civil actions related to the performance of abortions; amending K.S.A. 60-1901 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Haley, Hensley, Holland, Kelly, Pettey.

Present and Passing: Wolf.

The bill passed.

EXPLANATION OF VOTE

Madam President: I VOTE "NO" on **SB 142** an act concerning abortion. As previously stated in other anti-womens' choice legislation this Session (one speaking to prohibiting gender selection and authorizing causes of actions and exorbitant damages), safe, legal access to abortion & other reproductive health services should be a right that we extol not constantly try to limit. In my opinion, this bill makes murky the reasonable expectation of full disclosure from physicians/medical professionals to their pregnant patients; even if there is a fetal anomaly found in tests of which, if she were made aware, she may elect to abort due to the condition of the pregnancy. Again, what business does the Legislature have in impairing the right of a woman to be fully informed of her physical condition? Further, why create a right for a legal action against a provider who respects whatever her choice is for WHATEVER her reason(s) are? And who decides that we step into the most private of basic personal consultation(s)? Finally, once again the terminology as "unborn child" being from fertilization to birth is a biological misnomer. Stages of human development, where recognized in the true scientific lexicon of human gestation and not manipulated by political zealotry, define, roughly, fertilization through first several months of pregnancy as the "zygote" phase; the "fetus" phase follows until viability and THEN the loose phrase "unborn child". As an ardent and consistent proponent of a woman's right to choose and respecting ALL adult women, again, I VOTE "NO" on **SB 142**. – DAVID HALEY

SB 149, AN ACT concerning drug screening; relating to recipients of cash assistance and unemployment benefits; amending K.S.A. 2012 Supp. 39-709e and 44-706 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Emler, Faust-Goudeau, Haley, Hawk, Hensley, Kelly, Pettey, V. Schmidt.

Present and Passing: Holland.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: I Vote “NO” on **SB 149**. Remembering the revulsion I felt in my younger years when a group called Bruce Hornsby and the Range intoned: “The man in the silk suit hurries by ... catches the poor old lady’s eye ... Just for fun he says ‘Get a job’ ... it shames me to be a part of any elitist entity that, in its own proportional wealth and power, adds needless insult to the injury of poverty. By requiring drug tests on our FELLOW Kansans; those who rely on, through no desire or fault of their own, State assistance to economically survive, you become that spiteful silk-suited callous man rushing headlong through your days; pausing only to inflict additional barbs on the less fortunate. From wherever inside of you emanates the classism and audacity to support the underpinning of this bill ... it is a bad part of your soul. There, but for the grace of God, go you. “That’s just the way it is ... some things will never change ... that’s just the way it is....” Madam President , again I vote “NO”. – DAVID HALEY

Madam President: Like all of you, I came here to try to make a difference; to make things better for people. For me, **SB 149** is not based on solid assumptions. I asked one of the top Addiction Counselor professionals in Kansas about this bill. Here is the response: “I think that drug testing (the poor and unemployed) is more political posturing than good public policy. Drug testing is a blunt instrument—ineffective in detecting most alcohol /drug use (except marijuana) because of short detection periods for alcohol and other drugs. TANF applicants are already screened with a validated questionnaire”. As a Senator, I believe if I voted for this bill, instead of helping people, I would be hurting people, breaking up families, disrupting children’s lives, and ultimately taking away hope from those people we should be trying to help. I vote no on **SB 149**. – TOM HAWK

Senators Hensley and Kelly request that the record show they support the “Explanation of Vote” offered by Senator Hawk.

Madam President: While this bill contains an amendment that I proposed to drug test legislators, I vote no because I still believe this bill is unfair and unnecessary. **SB 149** is punitive – especially for single mothers who are already working hard and struggling to provide for their children – and unfairly perpetuates the stereotype that poor people are drug addicts. As legislators, we are stewards of taxpayers’ money. If we’re going to mandate drug tests for one group of individuals under reasonable suspicion, we should

do it for all Kansans who receive any state funds. In 1983 Justice Rehnquist wrote, “Both tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system. A tax exemption has much the same effect as a cash grant to the organization of the amount of tax it would have to pay on its income.” However, we did not extend the drug testing under reasonable suspicion to people who financially benefit from state dollars to subsidize their economic development activities. Finally, the Department of Children and Families is already conducting drug screenings and placing individuals in treatment with a favorable success rate. **SB 149** is unnecessary. That is why I vote no. — ANTHONY HENSLEY

Senators Kelly and Pettey request the record show they concur with the “Explanation of Vote” offered by Senator Hensley.

Madam President: My understanding of **SB 149** is to help poor people who use drugs and receive cash assistance from DCF to receive drug treatment and job training to help them become self-sufficient and remove them from the welfare role to the workplace.

I offered an amendment yesterday that would require the individual who tested positive for drug use to receive a comprehensive clinical evaluation and correct diagnosis that would provide the appropriate treatment and that amendment failed. These individuals are already humiliated and embarrassed enough to ask for help and then to be required to be drug tested too. That is just outrageous! Madam President, scripture says: “Open thy mouth, judge righteously, and plead the cause of the poor and needy.” Proverbs 31:9. I vote “NO” on **SB 149**. — OLETHA FAUST-GOUDEAU

SB 164, AN ACT concerning motor vehicles; relating to the administration of vehicle functions; amending K.S.A. 2012 Supp. 8-126 and 8-129 and repealing the existing sections, was considered on final action.

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

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

The bill passed as amended.

SB 166, AN ACT concerning insurance; pertaining to the insurers supervision, rehabilitation and liquidation act; amending K.S.A. 40-3607 and repealing the existing section, was considered on final action.

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

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

The bill passed as amended.

SB 167, AN ACT concerning crimes, criminal procedure and punishment; relating to the statute of limitations for rape prosecutions; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, was considered on final action.

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

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

The bill passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Emler in the chair.

The morning session recommended:

SB 122 be passed.

SB 64, SB 118, SB 120, SB 135, SB 168, SB 171, SB 177 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 57** recommending a **Substitute for SB 57** be adopted, and **Sub SB 57** be passed.

SB 124 be amended by the adoption of the committee amendments, and further amended by motion of Senator King, on page 3, by striking all in lines 2 through 7; in line 8, by striking all before "and"; in line 9, by striking "(8)" and inserting "(6)"; in line 16, by striking ", K.S.A. 50-101 through 50-162, and amendments"; in line 17, by striking "thereto" and **SB 124** be passed as further amended.

SB 199 be amended by adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 2, following line 26, by inserting:

"(i) The director of the Midwest stem cell therapy center shall annually submit a report to the senate committee on ways and means, senate committee on public health and welfare, house committee on appropriations and house committee on health and human services at the beginning of the regular session of the legislature beginning in 2014 on the expenditure of moneys appropriated and activities of the Midwest stem cell therapy center and the activities of the advisory board." and **SB 199** be passed as further amended.

A motion by Senator Francisco to amend **SB 168** failed and the following amendment was rejected: on page 2, in line 29, after "activity" by inserting ":

(A) ";

Also on page 2, in line 31, after "regulations;" by inserting "and

(B) does not create additional nuisances;"

The Committee rose and reported progress (See Committee of the Whole afternoon session).

On motion of Senator Bruce, the Senate recessed until 1:30 p.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 227, AN ACT concerning explosives; enacting the Kansas explosives safety act, by Committee on Federal and State Affairs.

SB 228, AN ACT concerning the attorney general; relating to duties, responsibilities and authority; amending K.S.A. 2012 Supp. 75-702 and repealing the existing section, by Committee on Federal and State Affairs.

SB 229, AN ACT concerning sales taxation; relating to remittance credits for collection services provided by retailers, by Committee on Assessment and Taxation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2007, HB 2012, Sub HB 2017, HB 2099, HB 2112, HB 2115, HB 2128, HB 2139, HB 2144, HB 2146, HB 2150, HB 2162, HB 2163, HB 2172, HB 2218, HB 2221, HB 2269, HB 2302, HB 2322, HB 2339, HB 2349, HB 2352**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2007, HB 2012, Sub HB 2017, HB 2099, HB 2112, HB 2115, HB 2128, HB 2139, HB 2144, HB 2146, HB 2150, HB 2162, HB 2163, HB 2172, HB 2218, HB 2221, HB 2269, HB 2302, HB 2322, HB 2339, HB 2349, HB 2352 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **Sub SB 57, SB 63, SB 64, SB 82, SB 88, SB 117, SB 118, SB 120, SB 122, SB 124, SB 135, SB 147, SB 168, SB 171, SB 177, SB 187** and **SB 199** were advanced to Final Action and roll call.

Sub SB 57, AN ACT concerning agriculture; relating to animal health; poultry improvement; domesticated deer; amending K.S.A. 2012 Supp. 2-907 and 47-2101 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 47-619, 47-650, 47-651, 47-653, 47-653d, 47-653e, 47-653f, 47-653g, 47-653h, 47-654, 47-655, 47-666, 47-667, 47-672 and 47-2101a.

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

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

The substitute bill passed.

SB 63, AN ACT concerning elections; relating to voting; regarding penalties for voting crimes; concerning prosecution of election crimes; amending K.S.A. 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp. 25-1128 and 25-2507 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Emler, Fitzgerald, Hawk, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Holland, Kelly, McGinn, Pettey, Wolf.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: Regrettably, I Vote “NO” on **SB 63** simply because of the unprecedented, and unwarranted, prosecutorial power granted to the Kansas Secretary of State. And it is NOT, Madam President, just because of the incumbent Secretary of State, Secretary Kobach. As a two time statewide nominee for Kansas’ Secretary of State AND as a former Assistant County Prosecutor, I can personally underscore the lack of necessity. The Kansas Attorney General’s office did not support this bill. The Kansas Association of County District Attorney’s does not support it either. As a matter of local control, a county district attorney has the jurisdiction and the temerity to review and prosecute, where necessary, election fraud and/or irregularity. The AG’s office is the back-up, rightfully, for any inaction at the local level. There is no need for miscreants or malfeasance who pose as chief election officers to “go rogue” into local affairs with prosecutorial powers that are not necessary. No other State has granted this authority to their chief election officers and with good reason. We are sad to be the first.—DAVID HALEY

SB 64, AN ACT concerning elections; relating to party affiliation; relating to petitions; amending K.S.A. 25-3304 and K.S.A. 2012 Supp. 25-205, 25-302a, 25-303, 25-3602, 25-4005, 25-4310 and 25-4320 and repealing the existing sections.

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

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

The bill passed as amended.

SB 82, AN ACT concerning energy; relating to renewable energy portfolio standards; amending K.S.A. 2012 Supp. 66-1258, 66-1260 and 66-1261 and repealing the existing sections.

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Arpke, Denning, Fitzgerald, King, Knox, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Abrams, Bowers, Bruce, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Love, Lynn, McGinn, Ostmeyer, Pettey, V. Schmidt, Wolf.

The bill failed.

SB 88, AN ACT concerning crimes, punishment and criminal procedure; relating to certain defendants; children's advocacy center assessment fee; amending K.S.A. 20-370 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Haley, Pettey.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: I Vote "NO" on **SB 88**. Although raising the fee from \$100 to \$400 to be paid by defendants convicted of crimes involving child victims seems reasonable, striking the time honored provision of Kansas existing law that a court, looking at the specifics of each case, can waive any part of or all of such payment. We should continue to support the ability of our local courts and judges to review and make these decisions and to maintain this option for swift and accurate justice.—DAVID HALEY

Senator Pettey requests the record to show she concurs with the "Explanation of Vote" offered by Senator Haley on **SB 88**.

SB 117, AN ACT concerning the highway patrol training center fund; amending K.S.A. 74-2134 and repealing the existing section.

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

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

The bill passed.

SB 118, AN ACT concerning crimes, criminal procedure and punishment; relating to reporting and investigation of missing persons; amending K.S.A. 2012 Supp. 75-712b and 75-712c and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed as amended.

SB 120, AN ACT concerning agriculture; enacting the Kansas farmers' market promotion act.

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

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

The bill passed as amended.

SB 122, AN ACT concerning the Kansas administrative procedure act; service of order or notice; amending K.S.A. 2012 Supp. 77-531 and repealing the existing section.

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

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

The bill passed.

SB 124, AN ACT concerning the Kansas restraint of trade act; amending K.S.A. 50-101, 50-112, 50-158 and 50-161 and repealing the existing sections; also repealing K.S.A. 50-108 and 50-115.

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

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

Nays: Francisco, Haley, Hensley, Holland.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: In response to the Kansas Supreme Court's decision in *O'Brien v. Leegin*, 294 Kan.318 (2012), a wide range of businesses and other groups in Kansas are calling on the legislature to reform the Kansas Restraint of Trade Act (KRTA) this session. The Court in *O'Brien* deviated from a Kansas historical reasonableness standard. Today, there is almost uniform support for adopting the federal "reasonableness standard" as the basis for deciding antitrust cases under the KRTA. New Section 1(b) of this bill states that, except as provided, the KRTA shall be construed in harmony with ruling judicial interpretations of federal antitrust law by the United States Supreme Court has applied landmark case in *Standard Oil Co. v. United States* (1911), the United State Supreme Court has applied the "Rule of Reason," or reasonableness test, to antitrust cases. Section 1 (B) would require the Kansas Supreme

Court to undertake the reasonableness test in regard to cases brought under the KRTA. Because this bill will require Kansas Courts to use this rich history of federal antitrust jurisprudence in deciding upon cases under the KRTA, I vote "Yes" on **SB 124**. —TERRY BRUCE

Senators LaTurner, Love and Petersen request the record to show they concur with the explanation of vote offered by Senator Bruce.

Madam President: I vote "yes" on **SB 124**. I would also note that reestablishing the reasonableness standard for deciding anti-trust cases under the Kansas Restraint of Trade Act ensures that contrary to the Kansas Supreme Court's opinion in the O'Brian decision reasonable contracts, arrangements, and policies existing in Kansas remain valid and are not void. I strongly support **SB 124** and urge this chamber to pass it. —GARRETT LOVE

SB 135, AN ACT concerning the boiler safety act; transferring duties from the secretary of labor to the state fire marshal; amending K.S.A. 44-916, 44-917, 44-918, 44-919, 44-920, 44-921, 44-922, 44-923, 44-924, 44-925, 44-927 and 44-929 and K.S.A. 2012 Supp. 44-636, 44-914, 44-915, 44-926 and 44-928 and repealing the existing sections.

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

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

The bill passed as amended.

SB 147, AN ACT concerning agriculture; relating to fertilizers; anhydrous ammonia; permits; fees; liability insurance requirement; affidavit; anhydrous ammonia fee fund; amending K.S.A. 2-1212 and 2-1217 and K.S.A. 2012 Supp. 2-1220 and repealing the existing sections.

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

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

Nays: Pyle.

The bill passed as amended.

SB 168, AN ACT concerning agriculture; relating to agricultural activities; protection of farmland and agricultural activities from certain nuisance actions; amending K.S.A. 2-3202 and 2-3203 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King,

Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Francisco.

The bill passed as amended.

SB 171, AN ACT concerning school districts; relating to the Kansas uniform financial accounting and reporting act; amending K.S.A. 2012 Supp. 72-8254 and repealing the existing section.

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

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

The bill passed as amended.

SB 177, AN ACT concerning elections; relating to unauthorized voting disclosures; amending K.S.A. 25-2422 and repealing the existing section.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt, Wolf.

Present and Passing: McGinn.

The bill passed as amended.

SB 187, AN ACT concerning workers; relating to the workers compensation and employment security boards nominating committee; administrative law judge appointments; workers compensation appeals board; amending K.S.A. 2012 Supp. 44-551, 44-555c and 44-709 and repealing the existing sections.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey.

The bill passed as amended.

SB 199, AN ACT concerning the university of Kansas medical center; establishing the Midwest stem cell therapy center.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson,

McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey.

The bill passed as amended.

EXPLANATION OF VOTE

Madam President: The Kansas Senate is breaking dangerous new ground by creating a medical advisory board comprised of a majority of political appointees. The goals of this center on adult stem cells, while highly laudable, would best be advanced by ringing together the leading scientific experts in this arena. Instead, we run the risk of impeding the work of the center with political interference. Let's let the science lead the way, not the politics. I vote "no" on **SB 199**. – LAURA KELLY

Senators Hawk, Hensley, Holland and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **SB 199**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1719—

A RESOLUTION recognizing the friendship between the state of Kansas and the nation of Israel, acknowledging Israel's right to defend its borders and people as a sovereign nation and expressing thanks to the state of Israel for its continued help and benefit to the state of Kansas.

WHEREAS, The sovereign Jewish state of Israel declared independence on May 14, 1948, and its right to exist has been affirmed both by the United States of America and the international community according to international law; and

WHEREAS, The state of Kansas affirms Israel's independence, existence, and right to defend its borders as a sovereign state; and

WHEREAS, The state of Kansas establishes and recognizes formal friendship with the state of Israel as a mutually benefiting relationship, and affirms continued cooperation in business and economic dealings with the state of Israel; and

WHEREAS, The state of Israel and Kansas have maintained a significant economically beneficial partnership in trade, Israel having received a significant portion of Kansas exports over the past 17 years; and

WHEREAS, The relationship between Kansas and the state of Israel has already profited the state of Kansas in areas of business and science, strengthening businesses in international sales and scientific innovations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the state of Kansas recognizes the nation of Israel as a friend, ally and partner, and that continued existence of the state of Israel is supported and affirmed by the state of Kansas, based upon both historical and legal confirmation; and

Be it further resolved: That the friendship between the state of Kansas and the state of Israel is hereby recognized and established; and

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

On emergency motion of Senator Haley **SR 1719** was adopted unanimously.

REPORT ON ENGROSSED BILLS

Sub SB 70, SB 75, SB 81, SB 100, SB 121, SB 125, SB 129, SB 136, SB 139, SB 149, SB 164, SB 166, SB 167 reported correctly engrossed February 28, 2013.

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills under the heading of General Orders with Senator Emler in the Chair.

On motion of Senator Emler the report for the morning and the following afternoon sessions were adopted.

Recommended: **SB 117** be passed.

SB 82 be amended by motion of Senator Knox, on page 1, in line 24, by striking ". The"; by striking all in lines 25 through 27; in line 28, by striking all before the semicolon; in line 31, by striking all after the period; by striking all in lines 32 through 35;

On page 2, in line 10, by striking all after "(d)"; by striking all in lines 11 through 13; in line 14, by striking all before the period and inserting "The commission shall conduct a comprehensive study to determine the feasibility of the 20% portfolio requirement required by subsection (a)(3) for affected utilities. On or before March 1, 2020, the commission shall submit the findings of such study to the senate standing committee on utilities and the house standing committees on energy and environment and utilities and telecommunications";

Also on page 2, following line 16, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 66-1261 is hereby amended to read as follows: 66-1261. (a) The commission shall establish rules and regulations for the administration of the renewable energy standards act, including reporting and enforcement mechanisms necessary to ensure that each affected utility complies with this standard and other provisions governing the imposition of administrative penalties assessed after a hearing held by the commission. Administrative penalties should be set at a level that will promote compliance with the renewable energy standards act, and shall not be limited to penalties set forth in K.S.A 66-138 and 66-177, and amendments thereto.

(b) (1) For the calendar years 2011 and 2012, the commission is not required to assess penalties if the affected utility can demonstrate it made a good faith effort to comply with the portfolio standards requirement. (2) The commission shall exempt an affected utility from administrative penalties for an individual compliance year if: (A) The utility demonstrates that the retail rate impact described in K.S.A. 2012 Supp. 66-1260, and amendments thereto, has been reached or exceeded and the utility has not achieved full compliance with K.S.A. 2012 Supp. 66-1258, and amendments thereto; or (B) the commission determines that for the utility to meet the portfolio requirement in that compliance year, construction or acquisition of renewable energy resources would impact the retail rates of the utility such that it would have an adverse impact upon the people of Kansas and the utility has not achieved full compliance with K.S.A. 2012 Supp. 66-1258, and amendments thereto. (3) In imposing penalties, the commission shall have discretion to consider mitigating circumstances. (4) Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.

(c) The commission shall establish rules and regulations required in this section within 12 months of the effective date of this act.";

Also on page 2, in line 17, by striking "is" and inserting "and 66-1261 are";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, after "66-1258" by inserting "and 66-1261"; in line 3, by striking "section" and inserting "sections" and **SB 82** be passed as amended.

A motion by Senator Francisco to amend **SB 82** failed and the following amendment was rejected: on page 1, in line 15, by striking "2018" and inserting "2016"; in line 20, by striking "2017" and inserting "2015"; in line 23, by striking "2018" and inserting "2016"

Senator Francisco withdrew an amendment on **SB 82**.

The **SB 88** committee report was adopted in the morning session and the bill be passed as amended.

A motion by Senator Haley to amend **SB 88** failed and the following amendment was rejected: on page 1, in line 16, before "All" by inserting "If it appears to the satisfaction of the court that payment of the assessment fee will impose manifest hardship on the defendant, the court may waive payment of all or part of the assessment fee."

SB 63 be amended by adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Holland to amend **SB 63** failed and the following amendment was rejected: on page 1, following line 6, by inserting:

"New Section 1. (a) Except as provided in subsection (b), the secretary of state shall not establish any political committee, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or statewide office or make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature or a statewide office.

(b) The provisions of this section shall not apply to any political committee which is established to expressly advocate for the election of a candidate for the office of secretary of state or to make contributions or expenditures for the election of a candidate for the office of secretary of state.

(c) Any political committee currently in existence, which is in violation of subsection (a), is hereby abolished.

(d) The provisions of this section shall be part of and supplemental to the campaign finance act.";

And by re-designating sections accordingly;

A motion by Senator Haley to amend **SB 63** failed and the following amendment was rejected: on page 1, in line 24, by inserting "or" after "occurred;" in line 25, by striking "; or" and inserting a period; by striking all in line 26;

Having voted on the prevailing side, Senator Tyson moved the Senate reconsider its action on the rejected Holland amendment on **SB 63**.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 0; Absent or Not Voting 1.

Yeas: Apple, Bowers, Denning, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Masterson, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Bruce, Donovan, Fitzgerald, Holmes, Knox, Lynn, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith.

Absent or Not Voting: Love.

The motion was adopted. The Committee returned to the Holland amendment.

Senator Pyle challenged the germaneness of the amendment; the Chair rule the amendment was germane.

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

On roll call, the vote was: Yeas 23; Nays 17; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Denning, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, McGinn, O'Donnell, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Donovan, Fitzgerald, Holmes, Knox, Love, Lynn, Masterson, Melcher, Olson, Pilcher-Cook, Powell, Pyle, Smith and the amendment was adopted and **SB 63** be passed as further amended.

SB 147 be amended by the adoption of the committee amendments, be further amended by motion of Senator McGinn, on page 5, in line 14, by striking "the"; by striking all in lines 15 through 21 and inserting "the administrative personnel and employees of the department shall have the right to enter private property where an anhydrous ammonia tank, facility or equipment is located and to inspect facilities and equipment. It shall be the duty of employees to notify the owner or operator, of any anhydrous ammonia facility or equipment: (1) Of any defect or deficiency in the construction, installation or operation of any such facility or equipment; and (2) of any defect or deficiency in the safety equipment or in the use thereof. The owner or operator of such facility or equipment may be given a specified reasonable time within which to comply with the rules and regulations." and **SB 147** be passed as further amended.

SB 187 be amended by adoption of the committee amendments, be further amended by motion of Senator Apple on page 3, in line 9, after "(f)" by inserting "Of the members first appointed to the workers compensation and employment security boards nominating committee, three shall be appointed for terms of two years and four shall be appointed for terms of four years as specified by the governor. Thereafter,"; also in line 9, by striking "serve" and inserting "be appointed for" and **SB 187** be passed as further amended.

A motion by Senator Holland to amend **SB 187** failed and the following amendment was rejected: on page 2, in line 34, by striking "seven" and inserting "nine";

On page 3, in line 1, by striking "and"; in line 2, after "(7)" by inserting "the Kansas state nurses association;

(8)";

Also on page 3, in line 5, after "thereto" by inserting "; and

(9) the secretary of labor, who shall select a nominee who is a Kansas law enforcement officer";

Also on page 3, in line 23, by striking "two-"; in line 24, by striking "thirds" and inserting "a majority";

On page 4, in line 9, by striking "²/₃" and inserting "a majority";

On page 9, in line 3, by striking " $\frac{2}{3}$ " and inserting "a majority"

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

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

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Emler.

A motion by Senator Holland to amend **SB 187** failed and the following amendment was rejected: on page 2, in line 34, by striking "seven" and inserting "eight";

On page 3, in line 1, by striking "and"; in line 5, after "thereto" by inserting "; and (8) the secretary of labor, who shall select a nominee who is a Kansas law enforcement officer";

Also on page 3, in line 23, by striking "two-"; in line 24, by striking "thirds" and inserting "a majority";

On page 4, in line 9, by striking " $\frac{2}{3}$ " and inserting "a majority";

On page 9, in line 3, by striking " $\frac{2}{3}$ " and inserting "a majority" and **SB 187** be passed as further amended.

EXPLANATION OF VOTE

Madam President: E-verify is a proven practical tool for verifying the work authorization status of workers in the U.S. Federal contractors are required to use E-verify for staffing their federal contracts, and Kansas should be requiring the same of those state contractors with large contracts. I vote "no" on **SB 187**. —TOM HOLLAND

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. 1611

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2013 regular session of the legislature.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on March 1, 2013, and shall reconvene on March 6, 2013, pursuant to adjournment of the daily session convened on March 1, 2013; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of

K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator Bruce **SCR 1611** was adopted by voice vote.

On the motion of Senator Bruce the Senate adjourned pro forma until 9:00 a.m., Friday, March 1, 2013.

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 1, 2013, 9:00 a.m.

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 229**.

Commerce: **HB 2150, HB 2172**.

Education: **HB 2221, HB 2349**.

Ethics, Elections and Local Government: **HB 2112, HB 2162**.

Federal and State Affairs: **SB 227; HB 2012, HB 2128, HB 2144**.

Financial Institutions and Insurance: **HB 2007, HB 2099, HB 2339**.

Judiciary: **SB 228; Sub HB 2017; HB 2115, HB 2163, HB 2218**.

Public Health and Welfare: **HB 2146, HB 2302, HB 2322**.

Transportation: **HB 2269**.

Ways and Means: **HB 2139, HB 2352**.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

MESSAGE FROM THE HOUSE

Announcing passage of: **HB 2019; Sub HB 2024; HB 2025, HB 2043, HB 2044, HB 2069, HB 2070, HB 2083, HB 2084, HB 2093; Sub HB 2105; HB 2109, HB 2120, HB 2147, HB 2170, HB 2179; Sub HB 2183; HB 2185, HB 2200, HB 2203, HB 2204, HB 2205, HB 2212, HB 2216, HB 2217, HB 2249, HB 2252, HB 2272, HB 2294, HB 2303, HB 2305, HB 2312, HB 2318, HB 2326, HB 2343, HB 2357, HB 2363**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2019, Sub HB 2024, HB 2025, HB 2043, HB 2044, HB 2069, HB 2070, HB 2083, HB 2084, HB 2093; Sub HB 2105; HB 2109, HB 2120, HB 2147, HB 2170, HB 2179; Sub HB 2183; HB 2185, HB 2200, HB 2203, HB 2204, HB 2205, HB 2212, HB 2216, HB 2217, HB 2249, HB 2252, HB 2272, HB 2294, HB 2303, HB

2305, HB 2312, HB 2318, HB 2326, HB 2343, HB 2357, HB 2363 were thereupon introduced and read by title.

REPORT ON ENROLLED BILLS

SR 1719 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 1, 2013.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 6, 2013.

Journal of the Senate

THIRTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 6, 2013, 2:30 p.m.

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

The roll was called with thirty-nine senators present.

Senator McGinn was excused.

Invocation by Father Don Davidson:

Heavenly Father we can do nothing about yesterday no matter how much we may wish. The root of all human misery is in trying to rewrite history and the knowledge that it cannot be done. Help us to live the days we are given, to be thankful for the opportunities presented to us, and gracious when our expectations are not met. In your holy name we pray, Amen.

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

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to introduce Unified Government Commissioner Ann Murguia, who is a mayoral candidate for the Unified Government of Wyandotte County/Kansas City in the pending General Election. The Senate welcomed her with a round of applause.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Commerce: **HB 2326**.

MESSAGE FROM THE GOVERNOR

February 22, 2013

To the Senate of the State of Kansas:

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

Member, Kansas Development Finance Authority, James Cusser (R), Mission Hills, 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, 2017.

SAM BROWNBACK
Governor

COMMUNICATIONS FROM STATE OFFICERS**OFFICE OF THE ATTORNEY GENERAL**

February 19, 2013

Pursuant to KSA 74-7303, Derek Schmidt, Kansas Attorney General, appointed Nan Porter, as a member of the Crime Victims Compensation Board. Ms. Porter is a reappointment to a four year term to a position that will expire on March 15, 2013.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2074, HB 2106, HB 2107, HB 2210, HB 2222, HB 2255, HB 2278, HB 2280, HB 2298, HB 2353, HB 2368.**

Announcing adoption of **SCR 1611.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2074, HB 2106, HB 2107, HB 2210, HB 2222, HB 2255, HB 2278, HB 2280, HB 2298, HB 2353, HB 2368; were thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

Sub SB 57 reported correctly engrossed February 28, 2013.

SB 63, SB 64, SB 88, SB 118, SB 120, SB 124, SB 135, SB 147, SB 168, SB 171, SB 177, SB 187, SB 199 reported correctly re-engrossed March 1, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** 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, KPERS Board of Trustees: K.S.A. 74-4905

Kelly Arnold, serves for a term of four years.

By the Governor:

Member, Kansas Development Finance Authority: K.S.A. 74-8903

Suchitra Padmanabhan, serves for a term of four years.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 7, 2013.

Journal of the Senate

THIRTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 7, 2013, 2:30 p.m.

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

Good and Gracious God, we have reached somewhere close to the middle of the season. While the starting line is no longer visible, the finish line is also beyond our sight. The days get longer, the nerves grow thin, and interruptions become normal while the mundane slowly slips away. Give us courage dear Lord to meet the days ahead with eyes open remembering the work we have been given to do, the people we serve and the state and nation we love. In your holy name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Hensley rose on a point of personal privilege to recognize a member of his communications director, Lauren Tice. Lauren received the Headliner Award during a “Women Making Headlines” luncheon hosted by the Topeka Chapter of the Association for Women in Communications.

“Women Making Headlines” is a local event that recognizes Topeka-area communications professionals who have made a significant contribution to the non-profit sector, a for-profit business or a media organization in 2012. This year’s event honored eight nominees and named three winners of the Headliner Award.

Lauren received a Headliner Award in the for-profit category for the work she did for Jayhawk Pharmacy & Patient Supply’s GET FIT TOPEKA STYLE, a health and wellness competition held in 2012.

This was the fourth year for the awards, making Lauren the fourth-ever to receive the award in the for-profit category.

The Senate recognized Lauren Tice with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 230, AN ACT concerning agriculture; relating to the Kansas pet animal act; rescue networks and animal shelters as licensing agents for pet animal foster home licenses; inspection schedule; off-site adoption events; amending K.S.A. 47-1704 and

K.S.A. 2012 Supp. 47-1701 and 47-1709 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 47-1701a and 47-1709a, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2084, HB 2255.**

Commerce: **Sub HB 2024; HB 2069, HB 2083; Sub HB 2105; HB 2179, HB 2272.**

Committee of the Whole: **HB 2019.**

Education: **HB 2109, HB 2222, HB 2280.**

Ethics, Elections and Local Government: **HB 2074, HB 2185, HB 2210, HB 2249.**

Federal and State Affairs: **HB 2212.**

Financial Institutions and Insurance: **HB 2106, HB 2107, HB 2294, HB 2312.**

Judiciary: **HB 2043, HB 2044, HB 2070, HB 2093, HB 2120, HB 2170, HB 2203, HB 2204, HB 2205, HB 2217, HB 2252, HB 2278, HB 2298, HB 2303, HB 2353.**

Natural Resources: **HB 2305, HB 2363.**

Public Health and Welfare: **HB 2025; Sub HB 2183; HB 2343, HB 2368.**

Transportation: **HB 2147, HB 2318, HB 2357.**

Ways and Means: **HB 2200, HB 2216.**

CHANGE OF REFERENCE

The President withdrew **SB 203** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Federal and State Affairs**.

REFERRAL OF APPOINTMENTS

The following appointment made by the Governor was submitted to the Senate for confirmation, and referred to Committee as indicated:

Board Member, Kansas Development Finance Authority:

James Cusser, to serve a four year term to expire January 15, 2017.

(Ways and Means)

The following appointment made by the Attorney General was submitted to the Senate for confirmation, was referred to Committee as indicated:

Member, Kansas Crime Victims Compensation Board:

Nan Porter, to serve a four year term to expire March 15, 2017.

(Judiciary)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2033, HB 2160, HB 2193, HB 2195.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2033, HB 2160, HB 2193, HB 2195 were thereupon introduced and read by title.

CONSIDERATION OF APPOINTMENTS

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

Senator Bruce moved the following appointments be confirmed as recommend by the Committee on **Ways and Means**:

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Suchitra Padmanabhan, Term expires January 15, 2017

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: McGinn, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employees Retirement System:

Kelly Arnold, Term expires January 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

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

Present and Passing: Kelly.

Absent or Not Voting: McGinn, Pettey.

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 216 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

SB 216, AN ACT concerning public building commissions; relating to municipal universities; amending K.S.A. 12-1758 and 12-1764 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

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

Absent or Not Voting: McGinn, Pettey.
The bill passed.

REPORT ON ENROLLED BILLS

SCR 1611 reported correctly enrolled, properly signed and presented to the Secretary of State on March 7, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 42** be passed.

Also, **HB 2252**, as amended by House Committee, be passed.

HB 2006, **HB 2013** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2081, as amended by House Committee, be amended on page 2, in line 35, after "aggravated" by inserting "indecent"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **SB 45** be amended on page 1, in line 9, after the second "the" by inserting "federal government,"; in line 11, after "by" by inserting "the federal government,"; in line 12, after "government" by inserting "relating to the advocacy or promotion of gun control"; in line 17, after "the" by inserting "federal government,"; in line 18, after "body" by inserting "relating to the advocacy or promotion of gun control"; line 23, by striking ", including, but not limited to," and inserting "relating to"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2066**, as amended by House Committee, be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Recommended: **SB 176** be amended by the adoption of the committee amendments, be further amended by motion of Senator Abrams, on: page 3, following line 21, by inserting:

"(e) The coalition board shall report annually to the president of the senate, the speaker of the house of representatives, and the chairpersons of the senate and house education committees regarding pupil performance in the public innovative districts, the laws and rules and regulations deemed to be problematic by the coalition board, and any other information regarding success or problems experienced by the public innovative districts during the previous school year."

SB 176 be further amended by motion of Senator Fitzgerald, on: page 4, in line 18, by striking "there be"; also in line 18, by striking "10" and inserting "10% of the school districts in the state operate as"; in line 19, by striking "operating in this state"; following line 20, by inserting:

"(e) The coalition board may organize itself into subcommittees." and **SB 176** be passed as further amended.

A motion by Senator Francisco to amend **SB 176** failed and the following amendment was rejected: on page 2, in line 2, by striking "and"; in line 4, by striking the period and inserting "; and

(5) a list of one or more state laws or rules and regulations that the school district has identified as limiting its ability to implement innovation."

Vice President Jeff King assumed the chair.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 176** was advanced to Final Action and roll call.

SB 176, AN ACT creating the coalition of innovative districts act.

On roll call, the vote was: Yeas 31; Nays 7; Present and Passing 0; Absent or Not Voting 2.

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

Nays: Francisco, Haley, Hawk, Hensley, Holland, Kelly, Wolf.

Absent or Not Voting: McGinn, Pettey.

The bill passed as amended.

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 8, 2013.

Journal of the Senate

THIRTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 8, 2013, 8:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-four senators present.
Senators Donovan, Holmes, King, McGinn, Olson and Pettey were excused.

President Wagle introduced, as guest chaplain, The Reverend Canon Craig William Loya, Canon to the Ordinary, The Episcopal Diocese of Kansas, who delivered the invocation:

Almighty God, whose infinite goodness is made known to us with the start of each new day, and whose boundless love forms the foundation of all that we are and all that we have; we thank you for the privilege of serving the people of Kansas, and we ask your blessing upon all her citizens today. Keep them, gracious God, in their work and in their rest, in their sorrows and in their joys.

We ask that your Spirit would fill this chamber, and illumine the hearts and minds of those who take counsel here. Grant us wisdom in deliberations, charity in conversation, and grace to be faithful stewards of all that is entrusted to our care, that the decisions made and actions taken this and every day might be for the greater good of all of your people who call this place we love home. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 231, AN ACT concerning economic development; relating to rural opportunity zones; amending K.S.A. 2012 Supp. 74-50,222 and repealing the existing section, by Committee on Assessment and Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 230**.

Federal and State Affairs: **HB 2033**, **HB 2193**.

Public Health and Welfare: **HB 2160**.

Ways and Means: **HB 2195**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 11, 2013.

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 11, 2013, 2:30 p.m.

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

Creator God, we begin a new week after a wonderful rain filled weekend. Although there are times when rain may upset our plans, we are thankful for all that the rain gives to us in renewal of the earth. Help us to see your hand in the work around us and be thankful. In your holy name we pray. Amen

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

POINT OF PERSONAL PRIVILEGE

Senator Wagle rose on a point of personal privilege to recognize nominees for the Kansas Youth of the Year Award for the Boys and Girls Club of Kansas. Senator Wagle introduced Ajola Anaberokai, Lawrence; J'Shavon Hendricks, Topeka; Kiana Knolland, South Central Kansas; Peyton Peterson, Manhattan; Jamease Roberts, Hutchinson; Ebony Garrekk, Fort Riley Military Base; and Danielle Sigmon, Fort Leavenworth Military Base. The Senators acknowledged all of the students with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Commerce: **SB 231**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2234, HB 2296, HB 2319**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2234, HB 2296, HB 2319 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1720 —

A RESOLUTION congratulating the Silver Lake High School debate team on its 3-2-1A state championship.

WHEREAS, The Silver Lake High School debate team was named the four-speaker state champion at the class 3-2-1A State Debate Tournament in early January 2013; and

WHEREAS, This year's championship is the Silver Lake High School debate team's first state title in 16 years, and the team had a 15-1 record in state competition; and

WHEREAS, The members of the four-speaker team were Luke Fangman, Caleb Kampsen, Josh Schroeder and Nathan Cunningham; and

WHEREAS, The team's coach of 37 years, Gail Naylor, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Silver Lake High School debate team on its class 3-2-1A state four-speaker debate championship. This is a great accomplishment for the debate team and Silver Lake High School; and

Be it further resolved: That the Secretary of the Senate be directed to provide six enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1720** was adopted unanimously.

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

SENATE RESOLUTION No. 1721—

A RESOLUTION congratulating the Shawnee Mission East High School debate team on its 6A state championship.

WHEREAS, The Shawnee Mission East High School debate team was named the four-speaker state champion at the class 6A State Debate Tournament in early January 2013; and

WHEREAS, This is the first state debate championship the Shawnee Mission East High School debate team has won, and they had an 11-5 record in state competition; and

WHEREAS, The members of the four-speaker team were Ali Dastjerdi, Erika Levy, Shrushti Mehta, Taylor Thompson, Henry Walter and Karl Walter; and

WHEREAS, The team's coach, Trey Whitt, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an

appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Shawnee Mission East High School debate team on its class 6A state four-speaker debate championship. This is a great accomplishment for the debate team and Shawnee Mission East High School; and

Be it further resolved: That the Secretary of the Senate be directed to provide eight enrolled copies of this resolution to Senator Wolf.

On emergency motion of Senator Wolf **SR 1721** was adopted unanimously.

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

SENATE RESOLUTION No. 1722—

A RESOLUTION congratulating the Tonganoxie High School debate team on its 4A state championship.

WHEREAS, The Tonganoxie High School debate team was named the four-speaker state champion at the class 4A State Debate Tournament in early January 2013; and

WHEREAS, The four-speaker debate teams at Tonganoxie High School have qualified for the state tournament for 20 consecutive seasons; and

WHEREAS, The members of the four-speaker team were Christopher Tiner, Hunter Cook, Austin Harris and Hannah Pray. This team compiled a 24-6 record in regional and state competition this season; and

WHEREAS, The team's coach, Steve Harrell, has worked diligently with the team to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Tonganoxie High School debate team on their class 4A state four-speaker debate championship. This is a great accomplishment for the debate team and Tonganoxie High School; and

Be it further resolved: That the Secretary of the Senate be directed to provide six enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1722** was adopted unanimously.

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

SENATE RESOLUTION No. 1723—

A RESOLUTION congratulating the Emporia High School debate team on its 5A state championship.

WHEREAS, The Emporia High School debate team was named the four-speaker state champion at the class 5A State Debate Tournament in early January 2013; and

WHEREAS, The Emporia High School debate team was formed in 1915 and just

finished its 98th year of scholastic debate competition; and

WHEREAS, The members of the four-speaker team were Will Kraft, Brandon Schrader, Barbara Haynes, Talia Smith, Elijah Williams, and Shaun Hruza; and

WHEREAS, The team's coach, Scott Bonnet, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Emporia High School debate team on its class 5A state four-speaker debate championship. This is a great accomplishment for the debate team and Emporia High School; and

Be it further resolved: That the Secretary of the Senate be directed to provide eight enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1723** was adopted unanimously.

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

SENATE RESOLUTION No. 1724—

A RESOLUTION congratulating the Newton High School debate team on its 5A state championship.

WHEREAS, The Newton High School debate team was named the two-speaker state champion at the class 5A State Debate Tournament in early January 2013; and

WHEREAS, The Newton High School debate team had a remarkable record of 10-0 in state competition; and

WHEREAS, The members of the two-speaker team were Jacob Bartel and Ginny Loeffler; and

WHEREAS, The team's coach, David Williams, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Newton High School debate team on its class 5A state two-speaker debate championship. This is a great accomplishment for the debate team and Newton High School; 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 1724** was adopted unanimously.

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

SENATE RESOLUTION No. 1725—

A RESOLUTION congratulating the Blue Valley West High School debate team on its class 6A state championship.

WHEREAS, The Blue Valley West High School debate team was named the two-speaker state champion at the class 6A State Debate Tournament in early January 2013; and

WHEREAS, The Blue Valley West High School debate team had an impressive record of 64-6 for the season; and

WHEREAS, The members of the two-speaker team were Christopher Birzer and Spencer Yeamans; and

WHEREAS, The team's coach, Arianne Fortune, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Blue Valley West High School debate team on its class 6A state two-speaker debate championship. This is a great accomplishment for the debate team and Blue Valley West High School; and

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

On emergency motion of Senator Apple **SR 1725** was adopted unanimously.

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

SENATE RESOLUTION No. 1726—

A RESOLUTION congratulating the Field Kindley High School debate team on its 4A state championship.

WHEREAS, The Field Kindley High School debate team was named the two-speaker state champion at the class 4A State Debate Tournament in early January 2013; and

WHEREAS, This year's championship is the second state title in three years for the Field Kindley High School debate team; and

WHEREAS, The members of the two-speaker team were David Paul Kritz and Grant Hendrix; and

WHEREAS, The team's coach, Megan Henson, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Field Kindley High School debate team on its class 4A state two-speaker debate championship. This is a great accomplishment for the debate team and Field Kindley High School; and

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

On emergency motion of Senator King **SR 1726** was adopted unanimously.

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

SENATE RESOLUTION No. 1727—

A RESOLUTION congratulating the Caney Valley High School debate team on its 3-2-1A state championship.

WHEREAS, The Caney Valley High School debate team was named the two-speaker state champion at the class 3-2-1A State Debate Tournament in early January 2013; and

WHEREAS, This year's championship is the Caney Valley High School debate team's third consecutive state title; and

WHEREAS, The members of the two-speaker team were Lexi Brey and Alex Vore; and

WHEREAS, The team's coach, Amber Toth, has worked diligently with the team all year to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for this year's high school debate season was "Resolved: The United States federal government should substantially increase its transportation infrastructure investment in the United States"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Caney Valley High School debate team on its class 3-2-1A state two-speaker debate championship. This is a great accomplishment for the debate team and Caney Valley High School; and

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

On emergency motion of Senator King **SR 1727** was adopted unanimously.

Senator King introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1728—

A RESOLUTION congratulating the Caney Valley High School debate team on its 2012 class 3-2-1A state championship.

WHEREAS, The Caney Valley High School debate team was named the two-speaker state champion at the class 3-2-1A State Debate Tournament in early January 2012; and

WHEREAS, Last year's championship was the second consecutive win for the Caney Valley High School debate team in the two-speaker category; and

WHEREAS, The members of the two-speaker team were Jeremy Nave and Jessica Wells; and

WHEREAS, The team's coach, Amber Toth, worked diligently with the team throughout the 2012 season to enhance the team's skills and prepare them through the debate season and into the tournament; and

WHEREAS, The resolution for the 2012 high school debate season was "Resolved: The United States federal government should substantially increase its exploration and/or development of space beyond the Earth's Mesosphere"; and

WHEREAS, Debating relevant and timely topics helps high school students gain an appreciation for current events and the ability to see an important issue from both sides: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Caney Valley High School debate team on its 2012 class 3-2-1A state two-speaker debate championship. This is a great accomplishment for the debate team and Caney Valley High School; and

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

On emergency motion of Senator King **SR 1728** was adopted unanimously.

The Senators acknowledged all of the debaters and coaches with a standing ovation.

REPORT ON ENGROSSED BILLS

SB 176 reported correctly engrossed March 8, 2013.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 12, 2013.

Journal of the Senate

THIRTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 12, 2013, 2:30 p.m.

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

Heavenly Father, in a few days people around the world will attempt, some more successfully than others, to be Irish. Although possibly the history has been lost in the need for jocularly, Bishop Patrick of Ireland went from being a slave to the spiritual leader of his adopted people. His leadership brought order and justice to a people in great need and his legacy has cemented them through many trials since his time. We give you thanks O Lord for raising up men and women as leaders in their time who show love and compassion for their people. In your holy name, Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **HB 2319**.

Ethics, Elections and Local Government: **HB 2296**.

Ways and Means: **HB 2234**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holland, Abrams, Apple, Arpke, Bowers, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Kelly, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1729—

A RESOLUTION recognizing the Kansas Small Business
Development Center's 2013 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select eight Emerging Business of the Year award recipients and eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Existing Business of the Year Award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and impact based on the KSBDC Economic Impact Tracking spreadsheet, a record of profitability and demonstrated good corporate citizenship through community contributions; and

WHEREAS, The 2013 KSBDC Emerging Businesses of the Year are: Ash, LLC in Emporia, Kansas, owned by Amy and Steve Harmon; Oberlin Knife Shop in Oberlin, Kansas, owned by J.W. and Deborah Smith; Pumpkin Paradise, LLC in Sublette, Kansas, owned by Steve and Janet Weidner; New York Dawg Pound in Overland Park, Kansas, owned by Sal Frustaci and Will Brown; Lawrence Montessori School in Lawrence, Kansas, owned by Purvis and Tiraz Birdie; Sweet Designs Cakery in Pittsburg, Kansas, owned by Heather and Roger Horton, Jr.; Absolute Dimensions, LLC in Wichita, Kansas, owned by Stephen Brittain and Michael Rickords; and Seneca Variety in Seneca, Kansas, owned by Dona and Jack Willmeth; and

WHEREAS, The 2013 KSBDC Existing Businesses of the Year are: Kessler Creations in Hillsboro, Kansas, owned by Marie Kessler; Hays Fire & Rescue Sales and Service, LLC in Hays, Kansas, owned by Kelvin and DeAnn Meyers; Sunflower Creations in Copeland, Kansas, owned by Gerald and Lois Nichols; Molly's Table, LLC in Paola, Kansas, owned by Donna Nagle; Mid Star Lab, Inc. in Edwardsville, Kansas, owned by Kari and Ron Wagner; HayesBrand Molding, Inc. in Garnett, Kansas, owned by the Hayes Family; Ohlde's Dairy, Inc. in Linn, Kansas, owned by Steve and Cindi Ohlde, Justin and Becky Ohlde, and Kyler Ohlde; and Pat the Plumber, LLC, in Topeka, Kansas, owned by Pat and Jennifer Grogan; 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 2013 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 be directed to provide 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1729** was adopted unanimously.

The Senators rose for a standing ovation.

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

SENATE RESOLUTION No. 1730—

A RESOLUTION congratulating Cletus Simons on his receipt
of the French Legion of Honor medal.

WHEREAS, Cletus Simons received the Knight of the Legion of Honor medal from the President of the French Republic on December 31, 2012; and

WHEREAS, The French *Légion d'honneur* or "Legion of Honor" is the highest decoration bestowed in France, and it was first established by Napoleon Bonaparte in May of 1802; and

WHEREAS, Following the two World Wars, the Legion of Honor was awarded to honor the heroism of veterans and to comfort the families of soldiers who had sacrificed their lives to protect their country; and

WHEREAS, U.S. veterans who risked their lives during World War II to fight on French territory qualify to be decorated as Knights of the Legion of Honor if the veteran fought in one of the main campaigns of the Liberation of France; and

WHEREAS, Cletus Simons is a U.S. combat veteran of World War II. He served in L Company, 325th Parachute Infantry Regiment of the 82nd Airborne Division, U.S. Army. During Operation Overload-D Day, Mr. Simons went to Le Havre France as a Platoon Sergeant; and

WHEREAS, Mr. Simons has earned several military awards and decorations including the Combat Infantry Badge, the Expert Infantry Badge, Parachutists Badge, Glider Badge, Bronze Star, Purple Heart, the American Campaign Medal, the European-African-Middle Eastern Theater Ribbon with three Bronze Battle Stars and the Good Conduct Medal; and

WHEREAS, Mr. Simons suffered injury in Paris where he was evacuated to a hospital and had had an operation. Despite this injury, after recovering from his wounds, Mr. Simons rejoined his unit to continue fighting for our country; and

WHEREAS, Service members, like Mr. Simons, are an essential part of our nation's society. They risk their lives to fight for the freedoms and liberties of American citizens without regard for their personal welfare: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Cletus Simons on his receipt of the Legion of Honor medal from the President of France. We are extremely grateful for his service in World War II, and all Kansans and Americans benefited greatly from his service. We are honored to call Mr. Simons a Kansan, and we wish him well in the future; and

Be it further resolved: That the Secretary of the Senate provide six enrolled copies of this resolution to Senator Hensley.

Gaylord Sanneman, President of the Kansas American Legion, also presented Cletus with the Kansas American Legion Americanism Award.

Senator Hensley also introduced Cletus' wife, Carmen and their children and spouses Gary Simons, Joe and Jan Simons, Pat and Sharon Simons, Carol and Frank Main, Tim and Beth Simons and others.

On emergency motion of Senator Hensley **SR 1730** was adopted unanimously.

The Senators rose to honor Cletus Simons with a standing ovation.

REPORT ON ENROLLED BILLS

SR 1720, SR 1721, SR 1722, SR 1723, SR 1724, SR 1725, SR 1726, SR 1727, SR 1728 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 12, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 165** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 165," as follows:

"Substitute for SENATE BILL No. 165
By Committee on Assessment and Taxation

"AN ACT concerning property taxation; relating to authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed or substantially destroyed by calamity."; and the substitute bill be passed.

Committee on **Commerce** recommends **HB 2326**, as amended by House Committee, be passed.

Also, **HB 2022** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2022," as follows:

"Senate Substitute for HOUSE BILL No. 2022
By Committee on Commerce

"AN ACT concerning employees; relating to certain employee organizations; political activities; certain deductions from wages; amending K.S.A. 75-4333 and K.S.A. 2012 Supp. 44-319 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2096** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2041** be passed

Also, **HB 2044**, as amended by House Committee, be passed.

HB 2009, as amended by House Committee of the Whole, be amended on page 3, in line 9, by striking "seeking new employment" and inserting "schooling"; in line 10, by striking "in going to or returning"; in line 11, by striking "from an appointment with a health care provider or"; in line 12, before "(iv)" by inserting "and"; in line 14, by striking all after "court"; in line 15, by striking all before the period; in line 16, following the stricken material by inserting "The provisions of this paragraph shall expire on January 1, 2016."; in line 23, by striking ". The court shall not assess such"; in line 24, by striking "reinstatement fee more than one time in a 365-day period." and inserting "for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges."; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Recommended: **HB 2019**, **HB 2066** be passed.

The Committee report on **SB 45** be amended by the adoption of the committee amendments, and the bill be passed as amended.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 13, 2013.

Journal of the Senate

THIRTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 13, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

President Wagle introduced, as guest chaplain, The Reverend Jill Jarvis, Unitarian Fellowship of Lawrence who delivered the invocation:

In the spirit of love and compassion, let us pray.

Spirit of Love, Holy One, Source of all Life in which we live and move and have our being,

Let us know that each from our own tradition comes today to lift our spirit in unity.

We hold in loving memory Sally Bottorf, trusted staff member of the Revisor of Statutes and beloved friend, who died yesterday. Her loved ones are in our hearts in their time of grief, as we acknowledge the sadness of our own loss.

Be in our hearts and minds as we come together, seeking blessings on these men and women and on the tasks before them.

Source of all Creation, may your gift of reason help them engage in a responsible search for truth. May your gift of insight fill them with a sense of gratitude for the gifts that are theirs – knowledge, skills, hard won insights. May your gift of compassion inspire them to give back, to reach out, to those who are discouraged or disheartened, the young, the dispossessed, the sick, the elderly.

We pray that the members of this body may be humble and able stewards of this work. That they may be open to one another's ideas and beliefs, and respectful of their differences. That they be a force for replacing fear with insight, and that working together they find a common ground, move forward with a shared purpose, banishing roadblocks of ego and fear, each of them working for the good of all.

Spirit of Life and Love, Bless their efforts with clear insight, their deliberations with wisdom, their decisions with impartiality. May they seek to represent fairly and well those who have given them this sacred task. May their personal faiths give each of them strength to act honestly and well in all matters before them, recognizing their responsibility to both the past and the future.

May wisdom, understanding, and compassion reside in the hearts and minds of all who undertake this work entrusted to them today.

In your name we renew these goals in our hearts. May it be so. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 232, AN ACT concerning taxation; relating to earned income tax credit; homestead property tax refunds; amending K.S.A. 2012 Supp. 79-32,205, 79-4508 and 79-4509 and repealing the existing sections, by Committee on Assessment and Taxation.

SB 233, AN ACT concerning the uniform consumer credit code; amending K.S.A. 16a-1-301 and repealing the existing section, by Committee on Ways and Means.

SB 234, AN ACT concerning sales taxation; relating to exemptions; certain machinery and equipment used in surface mining activities; amending K.S.A. 2012 Supp. 79-3606 and repealing the existing section, by Committee on Assessment and Taxation.

SB 235, AN ACT concerning property taxation; relating to exemptions; certain new automobile manufacturing property, by Committee on Assessment and Taxation.

CHANGE OF REFERENCE

The President withdrew **SB 231** from the Committee on **Commerce**, and referred the bill to the Committee on **Assessment and Taxation**.

MESSAGE FROM THE GOVERNOR

March 1, 2013

To the Senate of the State of Kansas:

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

SAM BROWNBACK
Governor

Member, Kansas Development Finance Authority, Patrice 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, to expire January 15, 2017.

Member, Kansas Public Employees' Retirement System Board of Trustees, Lois Cox (D), Manhattan, 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, 2017.

Member, State Board of Indigent Defense Services, Kevin Smith, (R), Goddard, pursuant to the authority vested in me by KSA 22-4519 effective upon the date of confirmation by the Senate to serve a three year term, to expire January 15, 2016.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2182**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2182 was thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Longbine, Arpke, Hensley, Holland, Love, Lynn and Melcher introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1731—

A RESOLUTION congratulating and commending the 2013 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2013. These seven outstanding educators will be honored on Wednesday, April 3, with a day of receptions, seminars and tours at the sponsoring institution, Emporia State University; and

WHEREAS, The 2013 Kansas Master Teachers are Juliann Bliese, a first-grade teacher at Ravenwood Elementary School in Olathe; Michelle Lynn Bogner, a first-grade teacher at Northwest Elementary School in Dodge City; Kathleen Bowen, a gifted education facilitator at Hillcrest and Sunset Hill Elementary Schools in Lawrence; Kacie Evans, an English/language arts teacher at Prairie Heights Middle School and technology coordinator for Prairie Heights Elementary and Middle Schools in Alta Vista; Kelley Norman, a math instructional coach at Chase and Robinson Middle Schools in Topeka; Michele Anne Palmgren, a family and consumer sciences teacher at Salina South High School in Salina; and Tara Walrod, a school counselor at Sunrise Point Elementary School in Overland Park; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1954. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher Awards. In 1984, the Black family of Broken Bow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester. During this time, the teachers present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contribution of great teachers such as those being honored here today. These 2013 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 2013 winners: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we offer our heartfelt thanks to these extraordinary educators – these teachers who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs; that we congratulate and commend

the seven 2013 Kansas Master Teachers for demonstrating excellence in their profession and devotion to the children of Kansas and extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall provide two enrolled copies of this resolution to Senator Longbine, one enrolled copy of this resolution to Senator Arpke, one enrolled copy of this resolution to Senator Hensley, one enrolled copy of this resolution to Senator Holland, one enrolled copy of this resolution to Senator Love, two enrolled copies of this resolution to Senator Lynn, and five enrolled copies of this resolution to Senator Melcher.

On emergency motion of Senator Longbine **SR 1731** was adopted unanimously.

The Senators acknowledged the teachers with a standing ovation.

Senators Hawk and Bowers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1732—

A RESOLUTION designating March 11-17, 2013,
as "Multiple Sclerosis Awareness Week."

WHEREAS, Multiple Sclerosis interrupts the flow of information between the brain and the body and stops people from moving. It is an unpredictable, often disabling disease of the central nervous system, and every hour in the United States someone is newly diagnosed; and

WHEREAS, The Mid America Chapter of the National Multiple Sclerosis (MS) Society reports that MS affects an estimated 2.5 million people worldwide, 400,000 nationwide and over 4,400 Kansans; and

WHEREAS, Often first diagnosed in individuals aged 20-50, attacking them in the prime of their lives, MS is the most common neurological disease leading to disability in young adults; and

WHEREAS, The symptoms of MS range from numbness and tingling to blindness and paralysis. The progress, severity and specific symptoms of MS in any one person cannot yet be predicted, but advances in research and treatment are moving us closer to a world free of MS; and

WHEREAS, The Mid America Chapter of the National MS Society has been committed to mobilize people throughout Kansas who want to assist those afflicted with MS; and

WHEREAS, "Walk MS" events are scheduled this spring in Emporia, Garden City, Kansas City, Hays, Hiawatha, Hutchinson, Lawrence, Manhattan, Neodesha, Salina, Topeka and Wichita; and

WHEREAS, The mission of the National Multiple Sclerosis Society is to mobilize people and resources to drive research for a cure and to address the challenges of everyone affected by MS: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we declare March 11-17, 2013, as "Multiple Sclerosis Awareness Week." We recognize the importance of moving closer to a world free of multiple sclerosis and express appreciation to the Mid America Chapter of the National MS Society for its work; and

Be it further resolved: That the Secretary of the Senate provide two enrolled copies

of this resolution to Senator Hawk.

On emergency motion of Senator Hawk **SR 1732** was adopted unanimously.

The Senators acknowledged the guests with a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

HB 2006 and **HB 2013** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2006, AN ACT concerning the Kansas rules and regulations filing act; amending K.S.A. 2012 Supp. 77-415 and repealing the existing section.

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

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

The bill passed.

HB 2013, AN ACT concerning crimes and punishment; relating to perjury; amending K.S.A. 2012 Supp. 21-5903 and repealing the existing section.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 45, AN ACT concerning the use of state appropriated moneys, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Emler, Faust-Goudeau, Francisco, Hawk, Holland, Pettey, V. Schmidt, Wolf.

The bill passed, as amended.

HB 2019, AN ACT concerning the court of appeals; relating to appointment of judges by the governor; amending K.S.A. 20-3006 and 20-3010 and K.S.A. 2012 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald,

Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

The bill passed.

EXPLANATION OF VOTE

Madame President: I Vote "NO" on **HB 2019**. As the Ranking Minority Member of our Senate Judiciary Committee for over a dozen years now, I can say, most assuredly, that THIS House Bill (though similar in its mechanics to the failed **SCR 1601** attempting to adopt the federal model for Kansas Supreme Court Justices by direct gubernatorial designation), is not the same as THAT measure. With such a quantum leap in the appointment of Appellate Judges, the Senate Judiciary Committee should have at least afforded a hearing. It is difficult to understand what we are accomplishing here with this change to a time honored system of merit selection to what may regrettably become a system of appointment by ideology by some governor's social or fiscal philosophy. Why change; really? It would have been consistent to have heard the proponents and the opponents to this sweeping change before the Senate Judiciary Committee. Since I for one, after all of these years in the Senate, still respect the committee process to reach clear understanding and consensus, it would appear suspicious (and therefor untenable) for me to support the measure. Madam President, again, I Vote "NO" on **HB 2019**. —DAVID HALEY

HB 2066, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2012 Supp. 65-2921 and repealing the existing section, was considered on final action.

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

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

Nays: Apple.

The bill passed.

REPORT ON ENGROSSED BILLS

SB 45 reported correctly engrossed March 13, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 226** be passed.

Also, **HB 2193** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 203, be amended by adoption of the amendments recommended by the Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on February 27, 2013, and the bill, as printed with amendments by Senate Committee, be

further amended:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2012 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; or

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary.

(h) The serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto.

(i) The serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township

wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.";

And by redesignating sections accordingly;

On page 2, in line 14, after "ounces;" by inserting "or"; in line 17, by striking "; or"; by striking all in lines 18 through 23; in line 24, by striking all before the period; in line 25, after "(d)" by inserting:

"A public venue club, drinking establishment, caterer or holder of a temporary permit may, upon the approval of the director, offer customer self-service of alcoholic liquor or cereal malt beverage from automated devices on the licensed premises provided that the licensee monitors and has the ability to control the consumption of such alcoholic liquor and cereal malt beverage from automated devices.

Criteria that the director shall require for approval of such automated devices include, but are not limited to, having video surveillance, operation of such devices by a smart card system capable of limiting or ceasing service, and limiting operation of the devices during business hours when the licensee's management is present at the licensed premises and maintains constant visual contact with the automated devices.

(e) ";

And by redesignating subsections accordingly;

On page 4, in line 3, after "Supp." by inserting "41-104 and"; also in line 3, by striking "is" and inserting "are";

On page 1, in the title, in line 2, after "Supp." by inserting "41-104 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2138**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2305** be amended on page 1, in line 31, by striking the first comma and inserting ". Such system"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2078**, as amended by House Committee, be amended on page 3, in line 43, by striking "if such applicant satisfies the";

On page 4, in line 1, by striking all before the period; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2147** 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 2176** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2177, as amended by House Committee of the Whole, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2202, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with

Senator Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended: **SB 42**; **HB 2252** be passed.

HB 2081 be amended by the adoption of the committee amendments, and the bill be passed as amended.

HB 2059 be amended by the adoption of the committee amendments and further amended by motion of Senator Apple on page 22, in line 42, by striking the first "and" and inserting a comma;

On page 23, in line 1, before "to" by inserting "and the amount of wagering losses claimed as in itemized deduction in section 165 (d) of the federal internal revenue code, and amendments thereto,"

On page 1, in the title, in line 1, after "rates" by inserting a comma.

In accordance with Senate Rule 27, Senator Pyle requested the question on **HB 2059**, as amended by Senate Committee, be divided into six parts.

The first part containing the provisions of the bill which make clarifying and technical adjustments to a number of income and severance tax provisions enacted in 2012 contained in sections 1 through 3 and section 5.

The second part containing the provisions of the bill which relate to the income tax add back to federal adjusted gross income for Subchapter S corporations with subsidiaries otherwise subject to the privilege tax contained in section 6.

The third part containing the provisions of the bill which relate to individual Kansas income tax rate reductions contained in section 7.

The fourth part containing the provisions of the bill which relate to the Kansas income tax itemized deduction for qualified residential interest contained in section 8.

The fifth part containing the provisions of the bill which relate to the Kansas retailers' sales tax and compensating use tax contained in section 4 and sections 9 through 11.

The sixth part containing the provisions of the bill which relate to individual income tax rate reductions attributable to state general fund receipts growth beyond 4% contained in section 12.

The voice vote to retain the first part prevailed.

The voice vote to retain the second part prevailed.

Upon the showing of five hands a roll call on the third part was requested:

On roll call, the vote was: Yeas 28; Nays 8; Present and Passing 4; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Present and Passing: Emler, McGinn, V. Schmidt, Wolf.

The vote to retain the third part prevailed.

Upon the showing of five hands a roll call on the fourth part was requested:

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn,

Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Pyle.

The vote to retain the fourth part prevailed.

Upon the showing of five hands a roll call on the fifth part was requested:

On roll call, the vote was: Yeas 24; Nays 10; Present and Passing 6; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, Pyle.

Present and Passing: McGinn, Olson, Ostmeyer, Petersen, V. Schmidt, Wolf.

The vote to retain the fifth part prevailed.

EXPLANATION OF VOTE

Mr. Chairman: I vote "NO" on this fifth provision as it has been explained by the Senator from Brown. This provision allows the onerous, but THEN necessary, sales tax increase (passed in 2010) to expire this year (2013) just as we were assured it would when it was first passed.

I promised my constituents when running for re-election to this seat that I would always vote to LESSEN the tax and fee burden that government imposes on us all.

Today is the first chance I have gotten to keep my word. And I am. Right here. Right now. To do otherwise is precisely what gives "politicians" a bad name.

You know, Mr. Chairman, my county retailers, Wyandotte County retailers, of all sizes from mom-and-pop small businesses (like Anna's BLD and Roger's and Carpet Corner) to "big boxes" (like Nebraska Furniture Mart and Walmart and Cabela's) often LOSE sales to our neighboring state (Missouri).

This is the first of what may be several opportunities to reduce the tax burden on all Kansans. No matter what games or prestidigitational procedural maneuvers that "tax and spend *republicans*" employ, I intend to keep voting to ease the tax burden on my constituency ... and on all hard-working Kansans. This is THE most regressive of all taxes. — DAVID HALEY

The vote to retain the sixth part prevailed by voice vote.

The entire bill **HB 2059** was considered.

HB 2059 be further amended by motion of Senator Masterson, on page 22, in line 27, by striking "For taxable years commencing prior to January 1, 2013,,"; by striking all in lines 38 through 43;

On page 23, by striking all in lines 1 through 6 and inserting: "secretary of revenue shall annually establish a ratio for each tax year to determine the maximum total amount of deductions from federal adjusted gross income that can be claimed by an individual under this section by dividing the current highest marginal income tax rate for the applicable tax year found in K.S.A. 79-32,110, and amendments thereto, by the baseline highest marginal income tax rate of 6.45%, except that in any tax year in which there is no change in the highest marginal income tax rate from the previous year and

there is a change in the lowest marginal income tax rate, the secretary shall establish such ratio by dividing such lowest marginal income tax rate by the baseline lowest marginal income tax rate of 3.5%. In any year in which both the lowest and highest marginal income tax rates change, the secretary shall use the greater ratio established pursuant to this subsection in determining the maximum total amount of deductions. The resulting number, rounded up to the nearest two decimal points, shall be the ratio for each tax year to be established annually by the secretary of revenue. The ratio established by the secretary of revenue under this subsection shall not exceed a maximum of 1.00.

(d) In determining the maximum total amount of deductions from federal adjusted gross income that can be claimed by an individual under this section, an individual shall multiply the total amount of deductions from federal adjusted gross income allowed under this section by the ratio established by the secretary of revenue in subsection (c). The resulting number shall be the maximum total amount of deductions from federal adjusted gross income that can be claimed on the individual's state income tax return in lieu of the standard deduction.";

On page 1, in the title, in line 1, after "rates" by inserting a comma

HB 2059 be further amended by motion of Senator Apple on page 23, after line 6, by inserting the following:

"(e) The provisions of this section that provide for a reduction in the total amount of deductions from federal adjusted gross income shall not apply to contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code, and amendments thereto."

HB 2059 be further amended by motion of Senator Apple on page 23, after line 6, by inserting:

"(f) Notwithstanding any provision of this section to the contrary, for taxable years commencing after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the total amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto."

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

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

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

The amendment was adopted.

HB 2059 be further amended by motion of Senator Pettey, on page 31, following line 43, by inserting:

"New Sec. 13. (a) Commencing in tax year 2013, and all tax years thereafter, and in addition to the credit provided in subsection (b), there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to: (1) 25% of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to section 23 of the federal internal revenue code determined without regard to subsection (c) of such section; (2) in

addition to subsection (a)(1), 25% of the amount of such federal income tax credit, if the child adopted by the taxpayer was a resident of Kansas prior to such lawful adoption; and (3) and in addition to subsections (a)(1) and (a)(2), 25% of the amount of such federal income tax credit, if the child adopted by the taxpayer is a child with special needs, as defined in section 23 of the federal internal revenue code, and the child was a resident of Kansas prior to such lawful adoption, for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) Commencing in tax year 2013, and all tax years thereafter, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to \$1,500 for the taxable year in which occurs the lawful adoption of a child in the custody of the secretary for children and families or a child with special needs, whether or not such individual is reimbursed for all or part of qualified adoption expenses or has received a public or private grant therefor. As used in this subsection, terms and phrases shall have the meanings ascribed thereto by the provisions of section 23 of the federal internal revenue code.

(c) The credit allowed by subsections (a) and (b) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credits has been deducted from tax liability.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "rates" by inserting a comma; also in line 1, by striking "and" and inserting a comma; in line 2, after "modifications" by inserting "and credits" on **HB 2059** be passed as further amended.

A motion by Senator V. Schmidt to amend **HB 2059** failed and the following amendment was rejected: on page 22, in line 42, by striking the first "and" and inserting a comma;

On page 23, in line 1, before "to" by inserting "and by the amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto,";

On page 31, after line 43, by inserting:

"New Sec. 13. (a) Commencing in tax year 2013, and all tax years thereafter, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 17% of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to section 21 of the federal internal revenue code for expenses for household and dependent care services necessary for gainful employment for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law.

(c) No credit provided under this section shall be allowed any individual who fails to provide a valid social security number issued by the social security administration, to such individual, the individual's spouse and every dependent of the individual.

New Sec. 14. (a) Any resident individual taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, which facility is used as, or in connection with, such taxpayer's principal dwelling or the principal dwelling of a lineal ascendant or descendant, including construction of a small barrier-free living unit attached to such principal dwelling, shall be entitled to claim a tax credit in an amount equal to the applicable percentage of such expenditures or \$9,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be deemed to prevent any such taxpayer from claiming such credit: (1) For each principal dwelling in which the taxpayer or lineal ascendant or descendant may reside, or facility used in connection therewith; or (2) more than once, but not more often than once every four-year period of time. The applicable percentage of such expenditures eligible for credit shall be as set forth in the following schedule:

Taxpayers Kansas Adjusted Gross Income	% of expenditures eligible for credit
\$0 to \$25,000.....	100%
Over \$25,000 but not over \$30,000.....	90%
Over \$30,000 but not over \$35,000.....	80%
Over \$35,000 but not over \$40,000.....	70%
Over \$40,000 but not over \$45,000.....	60%
Over \$45,000 but not over \$55,000.....	50%
Over \$55,000.....	0

Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

(b) Notwithstanding the provisions of subsection (a), if the amount of the taxpayer's tax liability is less than \$2,250 in the first year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{4}$ of the credit allowable under this section exceeds such tax liability shall be refunded to the taxpayer and the amount by which such credit exceeds such tax liability less the amount of such refund may be carried over for the next three succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the second year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{3}$ of the amount of the credit carried over from the first taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the first taxable year exceeds such tax liability less the amount of such refund may be carried over for the next two succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the third year in which the credit is claimed under this

section, an amount equal to the amount by which $\frac{1}{2}$ of the amount carried over from the second taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the second taxable year exceeds such tax liability less the amount of such refund may be carried over to the next succeeding taxable year. If the amount of the credit carried over from the third taxable year exceeds the taxpayer's income tax liability for such year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer.

(c) The provisions of this section are applicable to tax year 2013, and all tax years thereafter.

Sec. 15. K.S.A. 2012 Supp. 79-32,177 is hereby amended to read as follows: 79-32,177. ~~(a)~~ Any taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, or who makes expenditures for the purpose of making all or any portion of a facility or of equipment usable for the employment of individuals with a disability, which facility or equipment is on real property located in this state and used in a trade or business or held for the production of income, shall be entitled to claim an income tax credit in an amount equal to 50% of such expenditures or, the amount of \$10,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

~~(b) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.";~~

And by renumbering sections accordingly;

On page 32, in line 2, after "79-32,118," by inserting "79-32,177,";

On page 1, in the title, in line 1, after "rates" by inserting a comma; also in line 1, by striking "and" and inserting a comma; in line 2, after "modifications" by inserting "and credits"; in line 5, after "79-32,120," by inserting "79-32,177,"

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

On roll call, the vote was: Yeas 14; Nays 26; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

The motion failed and the amendment was rejected.

A motion by Senator McGinn to amend **HB 2059** failed and the following

amendment was rejected; on page 5, in line 37, before the period, by inserting ", as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013"; in line 39, by striking "16.67%" and inserting "18.421%"; in line 41, by striking "6.3%" and inserting "5.7%";

On page 23, by striking all in lines 7 through 43; by striking all on pages 24 through 30, on page 31, by striking all in lines 1 through 16;

And by renumbering sections accordingly;

On page 32, in line 4, after "79-32,110" by striking the comma and inserting "and"; also in line 4 by striking the last comma; in line 5 by striking "79-3603, 79-3703 and 79-3710";

On page 1, in the title, in line 2, by striking all after "tax;"; in line 3, by striking "revenue;"; in line 5, by striking "79-3603, "; also in line 5, by striking ", 79-3703, 79-3710"

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

On roll call, the vote was: Yeas 17; Nays 23; Present and Passing 0; Absent or Not Voting 0.

Yeas: Bowers, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Powell, Smith, Tyson, Wagle.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

Mr. Chairman: I voted to repeal the sales tax when I was in the House in 2011. That was the promise I made when I ran for the House. When I ran for the Senate it was not an issue. It never came up. Not once. People in my district are concerned about an unfair school finance formula that picks winners and losers. They are worried about a tax plan that picks winners and losers. We are on our way to a zero income tax state. I appreciate the work of the tax chair and tax committee. Ultimately I would like to see our tax policy go to the Fair Tax, which is in the House in the form of **HB 2355**. It didn't get a hearing and we, in the Senate, did not give it Legislative scrutiny. That is disappointing. Repealing this tax would cause harm to schools. I vote "no." – GREG SMITH

Senator Fitzgerald requests the record to show he concurs with the "Explanation of Vote" on **HB 2059** offered by Senator Smith.

Mr. Chairman: I vote "AYE" on the amendment which keeps the promise I made to my constituents to insure the one time sales tax increase to expire (or "sunset") after three (3) years.

Some here may be eager to explore other, potentially reckless tax configurations, that may or may not balance our three-legged revenue stool. But in this economy where every extra penny on the dollar does count (whether the constituent/consumer actually notices or not), it is disingenuous for us to not keep our word on this most regressive of all taxes which disaffects all working Kansans. Keeping our word to the constituents who vote in our districts should be easy.

Removing tax burdens ... seen or unseen ... painful OR painless ... should be the right thing reflected by all of our votes. To me, to do otherwise only makes an

oxymoron of the words “integrity” and “politician.” – DAVID HALEY

Senator Francisco requests the record to show she concurs with the “Explanation of Vote” on **HB 2059** offered by Senator Haley.

A motion by Senator Faust-Goudeau to amend **HB 2059** failed and the following amendment was rejected: on page 4, in line 35, before the period, by inserting "including refunds authorized under the provisions of the food sales tax refund act, and amendments thereto";

On page 31, following line 43, by inserting:

"New Sec. 13. The provisions of sections 13 through 20, K.S.A. 79-3632 and 79-3639a, and amendments thereto, shall be known and may be cited as the food sales tax refund act.

New Sec. 14. As used in the food sales tax refund act unless the context clearly indicates otherwise:

(a) "Income" means adjusted gross income determined under the Kansas income tax act without regard to the modifications specified by subsections (c)(i), (ii) regarding Kansas public employee retirement system retirement benefits, (vii), (ix) and (xii) of K.S.A. 79-32,117, and amendments thereto.

(b) "Household" means a claimant and all other persons for whom a personal exemption is claimed who together occupy a common residence.

(c) "Claimant" means a person who has filed a claim for a refund or credit under the provisions of this act and was, during the entire calendar year preceding the year in which the claim was filed for relief under this act, domiciled in this state, was a member of a household, had income of not more than \$36,700 in the calendar year for which a claim is filed and was: (1) A person having a disability; (2) a person other than a person included under clause (1), who has attained 55 years of age in the calendar year for which a claim is filed; or (3) a person other than a person included under clause (1) or (2) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year for which a claim is filed.

(d) "Head of household" means the person filing a claim under the provisions of this act.

(e) "Disability" means: (1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence, with respect to any individual, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical

and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(f) "Blindness" means central visual acuity of $20/200$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $20/200$ or less.

New Sec. 15. The right to file a claim for a refund under the food sales tax refund act shall be personal to the claimant and shall not survive such claimant's death, but such right may be exercised on behalf of a claimant by such claimant's legal guardian, conservator or attorney-in-fact. When a claimant dies after having filed a timely claim, the amount of such claim shall be disbursed to another member of the household as determined by the director of taxation. If the claimant was the only member of such claimant's household, the claim may be paid to such claimant's executor or administrator, but if neither is appointed and qualified, the amount of the claim may be paid upon a claim duly made to any heir at law. In the absence of any such claim within two years of the filing of the claim, the amount of the claim shall escheat to the state.

New Sec. 16. (a) (1) A claimant shall be entitled to a refund of retailers' sales taxes paid upon food during the calendar year 2013 and each year thereafter in the amount hereinafter provided. There shall be allowed for each member of a household of a claimant having income of \$18,350 or less, an amount equal to \$94. There shall be allowed for each member of a household of a claimant having income of more than \$18,350 but not more than \$36,700, an amount equal to \$47. There shall be allowed for a claimant who qualifies for an additional personal exemption amount pursuant to K.S.A. 79-32,121, and amendments thereto, an additional amount of \$47 or \$94, as the case requires. All such claims 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 of taxation or by a person or persons designated by the director.

(2) As an alternative to the procedure described by subsection (a)(1), for all taxable years commencing after December 31, 2012, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to \$47 or \$94, as the case requires, for each member of a household. There shall be allowed for a claimant who qualifies for an additional personal exemption amount pursuant to K.S.A. 79-32,121, and amendments thereto, an additional amount of \$47 or \$94, as the case requires. If the amount of such tax credit exceeds the claimant's income tax liability for such taxable year, such excess amount shall be refunded to the claimant.

(b) A head of household shall make application for refunds for all members of the same household upon a common form provided for the making of joint claims. All claims paid to members of the same household shall be paid as a joint claim by means of a single warrant.

(c) No claim for a refund of taxes under the provisions of the food sales tax refund act shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before April 15 of the year next

succeeding the year in which such taxes were paid. The director of taxation may: (1) Extend the time for filing any claim under the provisions of this act when good cause exists therefor; or (2) accept a claim filed after the deadline for filing in the case of sickness, absence or disability of the claimant if such claim has been filed within four years of such deadline.

(d) In the case of all tax years commencing after December 31, 2012, the threshold income amounts prescribed in this section and section 14, and amendments thereto, and the amounts of refund of taxes and the amounts of the tax credit, both as prescribed in this section, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

New Sec. 17. (a) In administering the food sales tax refund act, the division of taxation shall make available suitable forms with instructions for claimants. Copies of such forms shall also be made available to all county clerks and county treasurers in sufficient numbers to supply claimants residing in their respective counties. It shall be the duty of the county clerk to assist any claimant seeking assistance in the filing of a claim under the provisions of this act. The county treasurer of each county shall mail to each taxpayer with the property tax statement of such taxpayer information on the claiming of a refund of retailers' sales taxes paid upon food, which shall be provided by the secretary of revenue.

(b) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

New Sec. 18. Every claimant for the refund of taxes under the provisions of the food sales tax refund act shall supply to the division, in support of a claim, a valid social security number issued by the social security administration for each claimant, every household member and every dependent child, a clear statement as to whether such claimant qualifies for a refund under the provisions of section 14, and amendments thereto, reasonable proof of age or disability, and household income. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of section 14, and amendments thereto.

New Sec. 19. In any case in which it is determined that a claim was filed with fraudulent intent, the claim shall be disallowed, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment of the claim, until recovered, at the rate prescribed by subsection (a) of K.S.A. 79-2968, and amendments thereto. The claimant in such case, and any person who assisted in the preparation or filing of such claim, or supplied information upon which such claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor.

New Sec. 20. The director of taxation shall examine all claims for refund under the food sales tax refund act, and shall issue final determinations of such claims in the manner prescribed by K.S.A. 79-3226, and amendments thereto, relating to income taxes.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "rates" by inserting a comma; in line 3, after "revenue;" by inserting "providing food sales tax refunds;"

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

On roll call, the vote was: Yeas 17; Nays 22; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, O'Donnell, Petersen, Pettey, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: Emler.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

Mr. Chairman: I vote Yes! on this amendment; this is a vote for Mrs. Helen Green who lives in my District and for all other Senior Citizens, across the State of Kansas living on fixed income. Thank you, Mr. Chairman. — OLETHA FAUST-GOUDEAU

A motion by Senator V. Schmidt to amend **HB 2059** failed and the following amendment was rejected: on page 23, after line 6, by inserting:

"(d) Notwithstanding any provision of this section to the contrary, for taxable years commencing after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the total amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto.";

On page 31, after line 43, by inserting:

"New Sec. 13. (a) Commencing in tax year 2013, and all tax years thereafter, there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 17% of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to section 21 of the federal internal revenue code for expenses for household and dependent care services necessary for gainful employment for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law.

(c) No credit provided under this section shall be allowed any individual who fails to provide a valid social security number issued by the social security administration, to such individual, the individual's spouse and every dependent of the individual.

New Sec. 14. (a) Any resident individual taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, which facility is used as, or in connection with, such taxpayer's principal dwelling or the principal dwelling of a lineal ascendant or descendant, including construction of a small barrier-free living unit attached to such principal dwelling, shall be entitled to claim a tax credit in an amount equal to the applicable percentage of such expenditures or \$9,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be deemed to prevent any such taxpayer from claiming such credit: (1) For each principal dwelling in which the taxpayer or lineal ascendant or descendant may reside, or facility

used in connection therewith; or (2) more than once, but not more often than once every four-year period of time. The applicable percentage of such expenditures eligible for credit shall be as set forth in the following schedule:

Taxpayers Kansas Adjusted Gross Income	% of expenditures eligible for credit
\$0 to \$25,000.....	100%
Over \$25,000 but not over \$30,00.....	90%
Over \$30,000 but not over \$35,000.....	80%
Over \$35,000 but not over \$40,000.....	70%
Over \$40,000 but not over \$45,000.....	60%
Over \$45,000 but not over \$55,000.....	50%
Over \$55,000.....	0

Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

(b) Notwithstanding the provisions of subsection (a), if the amount of the taxpayer's tax liability is less than \$2,250 in the first year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{4}$ of the credit allowable under this section exceeds such tax liability shall be refunded to the taxpayer and the amount by which such credit exceeds such tax liability less the amount of such refund may be carried over for the next three succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the second year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{3}$ of the amount of the credit carried over from the first taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the first taxable year exceeds such tax liability less the amount of such refund may be carried over for the next two succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the third year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{2}$ of the amount carried over from the second taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the second taxable year exceeds such tax liability less the amount of such refund may be carried over to the next succeeding taxable year. If the amount of the credit carried over from the third taxable year exceeds the taxpayer's income tax liability for such year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer.

(c) The provisions of this section are applicable to tax year 2013, and all tax years thereafter.

Sec. 15. K.S.A. 2012 Supp. 79-32,177 is hereby amended to read as follows: 79-32,177. (a) Any taxpayer who makes expenditures for the purpose of making all or any

portion of an existing facility accessible to individuals with a disability, or who makes expenditures for the purpose of making all or any portion of a facility or of equipment usable for the employment of individuals with a disability, which facility or equipment is on real property located in this state and used in a trade or business or held for the production of income, shall be entitled to claim an income tax credit in an amount equal to 50% of such expenditures or, the amount of \$10,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

~~(b) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability";~~

And by renumbering sections accordingly;

On page 32, in line 2, after "79-32,118," by inserting "79-32,177,";

On page 1, in the title, in line 1, after "rates" by inserting a comma; also in line 1, by striking "and" and inserting a comma; in line 2, after "modifications" by inserting "and credits"; in line 5, after "79-32,120," by inserting "79-32,177,"

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

On roll call, the vote was: Yeas 17; Nays 22; Present and Passing 1; Absent or Not Voting 0.

Yeas: Bowers, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, Petersen, Pettey, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: O'Donnell.

The motion failed and the amendment was rejected.

A motion by Senator Francisco to amend **HB 2059** failed and the following amendment was rejected on page 31, following line 43, by inserting:

"Sec. 13. K.S.A. 2012 Supp. 79-4501 is hereby amended to read as follows: 79-4501. The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide ad valorem tax refunds to: (a) Certain persons who are of qualifying age who own or rent their homestead; (b) certain persons who have a disability, who own or rent their homestead; and (c) certain persons other than persons included under the provisions of (a) or (b) who have low incomes and dependent children and own or rent their homestead.

Sec. 14. K.S.A. 2012 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) "Income" means the sum of adjusted gross income under the Kansas income tax act, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including, but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who prior to attaining full retirement age had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of "loss of time" insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions. Income does not include disability payments received under the federal social security act.

(b) "Household" means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) "Household income" means all income received by all persons of a household in a calendar year while members of such household.

(d) "Homestead" means the dwelling, or any part thereof, whether owned and or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (1) A person having a disability; (2) a person who is 55 years of age or older; (3) a disabled veteran; (4) the surviving spouse of active duty military personnel who died in the line of duty; or (5) a person other than a person included under (1), (2), (3) or (4) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year immediately preceding the year in which a claim is filed under this act. The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(3) of this section at the time of the veterans' death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) "Property taxes accrued" means property taxes, exclusive of special

assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "Disability" means:

(1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. With respect to any individual, for purposes of the preceding sentence ~~(with respect to any individual)~~, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of $^{20}/_{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $^{20}/_{200}$ or less.

(i) "Disabled veteran" means a person who is a resident of Kansas and has been honorably discharged from active service in any branch of the armed forces of the United States or Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% permanent disability sustained through military action or accident or resulting from disease contracted while in such active service.

(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

(k) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2013 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

Sec. 15. K.S.A. 2012 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued or rent constituting property tax accrued, or both.

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

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

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

which shall notify the claimant by mail of the amount of the allowable claim.

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

Sec. 16. K.S.A. 2012 Supp. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued or rent constituting property tax accrue, or the sum of both exceeds \$700 for a household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been \$700.

Sec. 17. K.S.A. 2012 Supp. 79-4511 is hereby amended to read as follows: 79-4511. (a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (g) of K.S.A. 79-4502, and amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant. When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.

(d) The information required to be furnished under subsection (b) or (c) shall be in addition to that required under subsection (a).

Sec. 18. K.S.A. 2012 Supp. 79-4522 is hereby amended to read as follows: 79-4522. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$350,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.";

And by renumbering sections accordingly;

On page 32, in line 3, by striking "and" and inserting a comma; also in line 3, after

"79-4217" by inserting ", 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522";

On page 1, in the title, in line 3, before "amending" by inserting "homestead property tax refund act;"; in line 6, by striking the first "and" and inserting a comma; also in line 6, after "79-4217" by inserting ", 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and 79-4522"

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

On roll call, the vote was: Yeas 12; Nays 28; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, O'Donnell, Petersen, Pettey, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

The motion failed and the amendment was rejected.

A motion by Senator Pyle to amend **HB 2059** failed and the following amendment was rejected: on page 31, following line 43, by inserting:

"Sec. 13. K.S.A. 2012 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code. For tax year 1998 through tax year 2012, the standard deduction amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500. For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700. For tax year 2013, and all tax years thereafter, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, ~~\$3,000~~ \$6,000; married filing status, ~~\$9,000~~ \$12,000; and head of household filing status, \$9,000. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.";

And by renumbering sections accordingly;

On page 32, in line 2, after "79-32,118," by inserting "79-32,119,";

On page 1, in the title, in line 1, after "rates" by inserting a comma; in line 5, after "32,118," by inserting "79-32,119,"

The motion failed and the amendment was rejected.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 14, 2013.

Journal of the Senate

FORTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 14, 2013, 2:30 p.m.

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

O God, by whom the meek are guided in judgment, and light rises up in darkness for the godly: Grant us, in all our doubts and uncertainties, the grace to ask what you would have us do, that the Spirit of wisdom may save us from all false choices, and that in your light we may see light, and in your straight path we may not stumble. In your holy name. Amen.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 236, AN ACT concerning social welfare; relating to the reporting of adult care home resident deaths; amending K.S.A. 2012 Supp. 39-1431 and repealing the existing section, by Committee on Ways and Means.

SB 237, AN ACT concerning the Kansas public employee retirement system; dealing with military service; amending K.S.A. 2012 Supp. 74-4902 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:

Assessment and Taxation: **SB 232**, **SB 234**, **SB 235**.

Financial Institutions and Insurance: **SB 233**.

Judiciary: **HB 2182**.

CHANGE OF REFERENCE

Under authority of the Senate President, Vice President Jeff King withdrew **HB 2060** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Assessment and Taxation**.

REFERENCE OF APPOINTMENTS

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

Member, State Board of Indigents Defense Services:

Kevin Smith, to serve a term to expire January 15, 2016.
(Federal and State Affairs))

Member, Kansas Public Employees Retirement Board of Trustees:

Lois Cox, to serve a term to expire January 15, 2017.
(Ways and Means)

Board Member, Kansas Development Finance Authority:

Patrice Petersen-Klein, to serve a term to expire January 15, 2017.
(Ways and Means)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2052, HB 2055, HB 2199.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2052, HB 2055, HB 2199 were thereupon introduced and read by title.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1733—

A RESOLUTION congratulating and commending Mary Ann Torrence,
Revisor of Statutes, on her retirement.

WHEREAS, After 39 years of service to the Kansas legislature, Mary Ann Torrence is retiring from the Office of Revisor of Statutes on March 16, 2013; and

WHEREAS, Mary was born on January 3, 1948 in Topeka, Kansas to Elon and Lois "Polly" Torrence; and

WHEREAS, Mary grew up in Topeka and graduated from Topeka High School in 1966; and

WHEREAS, Mary attended the University of Kansas and majored in political science and American studies. She graduated with her bachelor of science degree in 1971; and

WHEREAS, Mary earned her juris doctor degree from the University of Kansas school of law in 1974; and

WHEREAS, Mary began her legal career in 1974 as an assistant revisor in the Office of Revisor of Statutes; and

WHEREAS, In 2006, after 32 years working in the Office of Revisor of Statutes, Mary was appointed to serve as the Revisor of Statutes by the legislative coordinating council. She is the eighth person, first woman and first KU graduate to serve as Revisor in the history of the office; and

WHEREAS, Mary married Steve Tallen on November 24, 1983. They have two children, Aaron Tallen and Holly Rohleder. They also have four grandchildren, Kamryn,

Preston, Paige and Alex; and

WHEREAS, Mary is a great champion of the mentor program in the Office of Revisor of Statutes. The program has provided new attorneys a source of experience and institutional knowledge to learn the ins and outs of the unique nature of being a revisor; and

WHEREAS, Mary is known as a thoughtful and compassionate person with a big heart. She is always willing to put aside her own work to help a colleague in need. She is also quick to sit in on any committee regardless of the subject matter; and

WHEREAS, Mary is full of life. She loves to eat, drink and travel, especially in the good company of her dogs, her family and her friends: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate, commend and thank Mary Ann Torrence for her long, successful career serving the legislature in the Office of Revisor of Statutes. We wish her all the best in her retirement; and

Be it further resolved: That the Secretary of the Senate shall send one enrolled copy of this resolution to 4112 SW Lincolnshire Road, Topeka, Kansas 66610 and one enrolled copy to the Office of Revisor of Statutes.

On emergency motion of Senator Wagle **SR 1733** was adopted unanimously.

Senator Hensley introduced several members of Mary's family, including her husband, Steve Tallen, parents Elon and Lois Torrence, Joe and Darlene Pollom, Alan and Melody Pollom, Keith and Jane Brumley, Chuck Torrence, Mike, Holly and Kamrym Rohleder.

Senators Wagle and Hensley presented Mary Torrence with a framed copy of the resolution.

The Senators honored her with a standing ovation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 42, AN ACT concerning civil actions; relating to architects and engineers; immunity from liability in negligence under certain circumstances, was considered on final action.

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

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

The bill passed.

HB 2059, AN ACT concerning taxation; relating to income tax rates, deductions, modifications and credits; severance tax; sales tax rates and distribution of revenue; amending K.S.A. 79-32,109 and K.S.A. 2012 Supp. 79-32,110, 79-32,117, 79-32,118, 79-32,120, 79-32,266, 79-3603, 79-3620, 79-3703, 79-3710 and 79-4217 and repealing the existing sections; also repealing K.S.A. 79-3632 and K.S.A. 2012 Supp. 79-32,117n and 79-3639a, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, Longbine, Love, Lynn, Masterson, Melcher, Olson,

Ostmeyer, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, McGinn, O'Donnell, Pettey, V. Schmidt, Wolf.

Present and Passing: Pyle.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: When the temporary sales tax was passed, Kansas was in dire straits financially. There was no other plausible solution to balancing the budget. The Legislature promised the public to sunset the tax. This bill makes the tax permanent. I believe that violates the trust my constituents placed in me. Mr. Chairman, I vote No on **HB 2059**.—JAY EMLER

Mr. Vice President: As a young child, I recall my mother and the other elders in my community saying the rich get richer and the poor get poorer and when I asked what that meant I was simply told, "Honey, don't worry about that, you are rich with love." However, I never truly understood what that statement meant until now! Because the poor and working middle class families of the state of Kansas will bear the financial burden of the passage of this legislation. Mr. Vice President, I vote NO on **HB 2059**. —OLETHA FAUST-GOUDEAU

Mr. Vice President: With this tax plan, hardworking, average Kansas families will further bear the burden while wealthy Kansans and large corporations will prosper. I believe that is unfair, so I vote no on **HB 2059**.

The people of Kansas deserve leaders who are good on their word. I promised my constituents that I would allow the 2010 sales tax rate to expire after three years. By voting no, I'm keeping my promise.

Do not be fooled. Retaining this sales tax is not a way to fund schools; saying so is a serious misrepresentation. This sales tax will pay for the self-inflicted budget crisis that has come with these reckless and irresponsible income tax cuts.

This path to be like Texas has become a roadmap to ruin. We will have a Texas-sized hole in our budget with increased property taxes, higher poverty rates, and further cuts to education.

I believe everyday Kansas taxpayers do not want to be like Texas. They want Kansas to remain a state where everyone pays their fair share, poverty rates decline, and our schools are adequately and fairly funded.

This tax plan leaves hardworking, average Kansas taxpayers with the burden of doing more with less and having much to be desired. That is why I vote no.—ANTHONY HENSLEY

Senators Haley, Hawk, Holland, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley.

Mr. Vice President: In addition to being one of the largest tax increases in Kansas' history, **HB 2059** also violates the so-called principles of reform that Governor Brownback laid out last year. It further complicates the Kansas tax code by treating certain itemized deductions differently than others. Much more importantly, it actually takes more money out of the pockets of Kansas families than it puts in during the first

four years of implementation. Even more disturbingly, the bill reneges on the promise that the Kansas Legislature made to sunset the temporary sales tax. This bill only makes worse Kansas' regressive tax system while creating massive out year fiscal deficits. The legislation is a continuation of tax policy designed to benefit big business and the wealthy at the expense of hardworking Kansas taxpayers. I vote no on **HB 2059**. — TOM HOLLAND

Senators Francisco, Haley, Hawk, Hensley, Kelly and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Holland.

Mr. Vice President: I think everyone in this body and in my district knows where I stand on the political spectrum so my vote might be confusing.

Last summer when I was running for the senate against a long-time incumbent I heard continuous frustration of my predecessors vote regarding raising the sales tax. I promised my district in person and in campaign mailers that I would fight to repeal that sales tax when I was serving them in Topeka. Regardless of other changes with the tax policy I will stand by my promise to my district because people can call me plenty of things (which they do) but I'm not a liar.

Furthermore, I would like to thank my colleagues for fighting for the future of Kansas. Being a somewhat recent college graduate I've been dismayed at the number of my friends who moved away from Kansas to states with better economies due to their tax structure. This chamber is making the difficult decisions and taking the critical steps necessary to ensure that Kansas retains our young people. Thank you. — MICHAEL O'DONNELL

Senator LaTurner requests the record show he concurs with the "Explanation of Vote" on **HB 2059** offered by Senator O'Donnell.

HB 2081, AN ACT concerning civil procedure; relating to the forfeiture of instrumentalities of a crime; amending K.S.A. 2012 Supp. 60-4104 and 60-4105 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2252, AN ACT concerning crimes, criminal procedure and punishment; relating to the statute of limitations for rape prosecutions; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, was considered on final action.

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

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

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 222** 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 162** be amended on page 1, in line 20, after "plan." by inserting "The provisions of this section shall expire on December 31, 2017.";

On page 8, in line 12, by striking "all taxable" and inserting "tax"; also in line 12, by striking "beginning after December 31, 2012" and inserting "2013 through 2017"; in line 17, after "income" by inserting "or has not been claimed as an itemized deduction by the taxpayer"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 214** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 214," as follows:

"Substitute for SENATE BILL No. 214

By Committee on Federal and State Affairs

"AN ACT concerning bottle rockets; amending K.S.A. 31-155 and 31-156 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2007** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson the following report was adopted:

Recommended: The committee report on **HB 2022** recommending a **Senate Sub for HB 2022** be adopted.

S Sub for HB 2022 be amended by motion of Senator Lynn, on page 3, in line 27, by striking "conventions" and inserting "convention"; in line 39, after "(a)" by inserting "Except as provided in subsections (b) and (c),"

S Sub for HB 2022 be further amended by motion of Senator Lynn, on page 1, in line 12, by striking "(c)" and inserting "(d)"; following line 35, by inserting:

"(c) (1) Nothing in this section precludes a professional employees' organization or a public employee organization from making expenditures of union dues to communicate directly with its own members about political candidates or political issues.

(2) Nothing in this section precludes a professional employees' organization or public employee organization from making expenditures of union dues either for the establishment of a political fund or to solicit contributions from its members to a political fund.";

And by redesignating subsections accordingly, and **S Sub for HB 2022** be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **S Sub for HB 2022** was advanced to Final Action and roll call.

S Sub for HB 2022, AN ACT concerning employees; relating to certain employee organizations; political activities; certain deductions from wages; amending K.S.A. 75-4333 and K.S.A. 2012 Supp. 44-319 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, King, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, LaTurner, Longbine, McGinn, Petersen, Pettet, V. Schmidt, Wolf.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: Theodore Roosevelt said that “The majority of a democracy has no more right to tyrannize over a minority, than under a different system, the latter would have to oppress the former.” I vote “No” on **S Sub for HB 2022**. – TOM HOLLAND

Mr. Vice President: During my 40 years in the dairy business and still even today, we had the benefit to deduct our PAC contribution from our paycheck. I understand the difference between public and private entities. Nonetheless, I cannot vote to deny someone else the same privilege that I enjoy. Therefore I vote no on **S Sub for HB 2022**. – DAN KERSCHEN

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 15, 2013.

Journal of the Senate

FORTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 15, 2013, 8:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-eight senators present.
Senators Masterson and Wolf were excused.
Invocation by Father Don Davidson:

During this Lenten season for many Christians, Fridays are synonymous with cod, tilapia and trout. A day without meat will not hurt anyone and may remind some of the event so many years ago which made all the difference. For those that do not observe the discipline, there is no crime or foul, in fact you may catch on and feel blessed to worm your way into this holy fast. But do not worry, Easter comes along in a very short time and all will be well, or at least medium. In your name, O Lord. Amen

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:
Federal and State Affairs: **HB 2052, HB 2055, HB 2199.**
Public Health and Welfare: **SB 236.**
Ways and Means: **SB 237.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeier introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1734—

A RESOLUTION congratulating the Norton Community High School wrestling team on its Class 3-2-1A State Wrestling Championship.

WHEREAS, The Norton Community High School wrestling team won the 2013 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship held at Gross Memorial Coliseum in Hays. Norton scored 129.5 points, outscoring runner-up Hoxie by 32.5 points; and

WHEREAS, The 2013 Norton wrestlers added another chapter to their school's history of success in wrestling; and

WHEREAS, State medalists were:

132 pounds – John Risewick, first

126 pounds – Alec Hager, second

106 pounds – Caysean Campbell, second

120 pounds – Branson Addington, fourth

145 pounds – Cody Ellis, fourth

220 pounds – Lucas Engel, fourth

113 pounds – Ethan Ross, fifth

138 pounds – Jared Tallent, sixth

At 152 pounds, Jared Bohl also competed at the state tournament and won one match; and

WHEREAS, The head coach was Bill Johnson and his assistant coaches were Doug Ray, Shane Miller, and Tony Ficus. Team managers were Lindsay Addington, Jordyn Gosselin, Austin Hager, and Rickele Green; 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 2013 Kansas State High School Activities Association Class 3-2-1A State Wrestling Championship, and we extend our best wishes for their continued success and happiness; and

Be it further resolved: That the Secretary of the Senate shall be directed to provide one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1734** was adopted unanimously.

REPORT ON ENROLLED BILLS

SR 1729, SR 1730, SR 1731, SR 1732, SR 1733 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 15, 2013.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, March 18, 2013.

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 18, 2013, 2:30 p.m.

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

In honor of St. Patrick's Day, let us listen to this Irish Blessing as an appropriate prayer as we begin this new week.

May you always have walls for the winds
A roof for the rain...Tea beside the fire
Laughter to cheer you...Those you love near you
And all your heart might desire. Amen

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

POINT OF PERSONAL PRIVILEGE

Senator O'Donnell rose on a Point of Personal Privilege to introduce Kathy Bond, Mrs. United States All World Beauties 2012. Her platform is the Make-A-Wish Foundation in memory of her stepdaughter Alexis, a Make-A-Wish recipient. Kathy was recently named Ambassador to the Make-A-Wish Foundation with the Wichita Chapter. Other honors include: Mrs. Kansas 2011, Certified Lay Speaker with the United Methodist Church in the Kansas Conference, and two Academic Commendations with Wichita State University.

Also introduced was her husband, Gary.
The Senators acknowledged Mrs. Bond with a standing ovation.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2042, HB 2058, HB 2091, HB 2135.**
Announcing adoption of **HCR 5015.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2042, HB 2058, HB 2091, HB 2135; HCR 5015 were thereupon introduced and read by title.

HCR 5015, commending the business and philanthropic achievements of native Kansan, David G. Booth, was read.

On emergency motion of Senator Francisco, **HCR 5015** was adopted by voice vote.
The Senators acknowledged David Booth with a standing ovation.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1735—

A RESOLUTION congratulating the Washburn Rural High School women's volleyball team on winning the class 6A state championship.

WHEREAS, The Washburn Rural High School women's volleyball team won the class 6A state title for 2012; and

WHEREAS, The 2012 Washburn Rural High School women's volleyball team has seen a lot of success this season. During the 2012 season the team was also named the Fayetteville, Arkansas Tournament champions, Derby Tournament champions, Emporia Tournament champions, undefeated Centennial League champions, and 6A sub-state champions;

WHEREAS, The Washburn Rural High School women's volleyball team has won 16 straight sub-state championships. They have also had 14 consecutive 6A state final four appearances and 11 consecutive top three 6A state finishes. The Washburn Rural volleyball team has been named state champions seven out of the last nine years, and the overall record of this year's senior class is 162-16; and

WHEREAS, The members of the team include Morgan Hutchinson, Paige Cunningham, Emma Reeves, Savannah Moore, Courtney Winkley, Kadie Baumgardner, Alyssa Carney, Melissa Cushing, Emma Eickhoff, Erika Lane, McKenzie Johnson, and Sarah Vicory; and

WHEREAS, Head coach, Kevin Bordewick, was named the Centennial League Coach of the Year and the 6A State Coach of the Year. He, along with assistant coach, Nikki Noe Gilliland, have worked hard with this year's volleyball team, improving the team's skills and ultimately leading it to the 2012 class 6A state championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Washburn Rural High School women's volleyball team on its 2012 class 6A state championship victory. The team's successful year and strong tradition of success in the past will be celebrated by the Washburn Rural community; and

Be it further resolved: That the Secretary of the Senate be directed to provide 17 enrolled copies of this resolution to Washburn Rural High School women's volleyball team; Coaches Kevin Bordewick and Nikki Noe Gilliland; Superintendent, Dr. Brenda Dietrich; Principal, Ed Raines and Athletic Director, Penny Lane.

On emergency motion of Senator V. Schmidt **SR 1735** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 235** be amended on page 1, in line 11, after "continue" by inserting "only for a period"; also in line 11, by striking the first "taxable" and inserting "calendar"; also in line 11, by striking the second "taxable" and inserting "calendar"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2319**, as amended by House Committee, be amended on page 1, in line 4, by striking "9" and inserting "10"; in line 7, by striking "9" and inserting "10";

On page 2, in line 7, after the first "application" by inserting "on or before the conclusion of such 90-day period"; in line 35, by striking "9" and inserting "10";

On page 3, in line 9, by striking "9" and inserting "10"; following line 21, by inserting:

"(e) The coalition board may organize itself into subcommittees.

(f) The coalition board shall report annually to the governor and the legislature regarding pupil performance in public innovative districts, recommendations for amendments to laws and rules and regulations pertaining to school districts and any other information regarding the operation of public innovative districts during the immediately preceding school year.";

Also on page 3, in line 40, after "thereto." by inserting "The coalition board, in its sole discretion, shall approve or deny the request. As part of its review of such request, the coalition board may make recommendations to the requesting school district to modify the request, and may consider any such modifications prior to making a final decision.";

On page 4, in line 14, by striking all after "(d)"; in line 15, by striking all before the period and inserting "No more than 10% of the school districts in the state shall operate as public innovative districts at any one time"; in line 36, by striking "9" and inserting "10";

On page 5, in line 16, by striking "9" and inserting "10"; following line 16, by inserting:

"Sec. 7. (a) If at any time a public innovative district fails to meet any of the renewal criteria set forth in subsection (b) of section 6, and amendments thereto, for two or more consecutive school years, then:

(1) Such public innovative district may submit a petition to the state board for a release of the grant of authority to operate as a public innovative district; or

(2) the coalition board may submit a petition to the state board requesting that such public innovative district have its grant of authority to operate as a public innovative district revoked.

(b) If a petition is submitted to the state board pursuant to subsection (a)(1), then the state board shall grant such petition and release such public innovative district from the grant of authority to operate as a public innovative district. Such release shall be effective for the school year immediately succeeding the grant of the petition.

(c) If a petition is submitted to the state board pursuant to subsection (a)(2), then the state board shall hold a hearing on the issues in controversy. Representatives of the public innovative district shall be provided the opportunity to present information refuting the basis upon which the petition is premised. At least 30 days' notice shall be provided to the board of education of the public innovative district prior to the hearing. Within 60 days after the hearing, the state board shall determine whether to grant or deny the petition. Notification of such decision shall be sent to the board of education of the public innovative district and shall specify the reasons therefor. If the petition is granted, the authority to operate as a public innovative district shall be revoked commencing with the school year immediately succeeding the grant of the petition.";

Also on page 5, in line 30, by striking "9" and inserting "10";

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

Committee on **Financial Institutions and Insurance** recommends **HB 2106** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Natural Resources** recommends **HB 2030**, as amended by House Committee of the Whole, be passed.

Committee on **Public Health and Welfare** recommends **Substitute for HB 2183**, as amended by House Committee of the Whole, be amended on page 2, following line 36, by inserting:

"New Sec. 3. The changes to law in this act shall be known as Chy J. Miller's law.";
And renumbering sections accordingly; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2143** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2143," as follows:

"SENATE Substitute for HOUSE BILL No. 2143

By Committee on Ways and Means

"AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 66-2010, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections.";
and the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Tuesday, March 19, 2013.

Journal of the Senate

FORTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 19, 2013, 2:30 p.m.

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

Creator of the universe, infinite and glorious, you give us laws to save us from our folly; give us eyes to see your plan unfolding, your purpose emerging as the world is made; give us grace to follow the truth and courage to go wherever you lead; Then we shall know blessings beyond our dreams then will your will be done. Amen

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1736—

A RESOLUTION congratulating Sloane Lewis for being named Miss Kansas 2012.

WHEREAS, Sloane Lewis of Norwich was crowned Miss Kansas. As Miss Kansas, Sloane Lewis will serve as a role model and spokeswoman at public events throughout the state. As Miss Kansas, Sloane went on to participate in the Miss America pageant in January 2013; and

WHEREAS, Sloane is currently a student at the University of Kansas. Her goal is to graduate with a Bachelor of Arts degree in Political Science and International Studies and start law school in the fall of 2013; and

WHEREAS, Sloane has received several scholastic honors including the University of Kansas Dean's Honor Roll for Fall 2011, Alpha Chi Omega Scholastic Achievement for Fall 2011, the Norwich High School Alumni Association Scholarship and the Eagle Honor Roll for 2005-2009; and

WHEREAS, Sloane has served as Vice President/Recruitment Chair of Alpha Chi Omega Sorority, 2009 Student Council President at Norwich High School, and Treasurer/Secretary for the Kansas Association for Youth; and

WHEREAS, Sloane is dedicated to empowering at-risk youth. Furthering that goal, Sloane currently serves as the Volunteer Program coordinator for StopGap, Inc., an organization that educates foster children about the transition from foster care to adulthood: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Sloane Lewis for being named Miss Kansas 2012. Sloane is very active in her community and in her school, and she will serve as a great role model for Kansans; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1736** was adopted unanimously. Senator Faust-Goudeau presented the resolution to Sloane Lewis, Miss Kansas 2012. Senators rose to honor her with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Holmes rose on a Point of Personal Privilege to introduce his daughter, Noelle, who is the third of five children: “Noelle has quite a story that I’d like to share. She turned 18 just 2 weeks before the 2012 primary election and was thrilled to help me campaign and then vote for her Daddy.

“Then on September 20, I got the phone call that every parent dreads...my daughter had been in a serious accident at an intersection notorious for its deadly accidents. She had not seen a semi approaching before she started to cross the highway, and was T-boned by a tanker truck traveling at highway speed. A helicopter was dispatched to take her to Wesley Trauma Center in Wichita, but we were able to see her for a few minutes at the Stafford Hospital as we waited for the helicopter.

“As we chased the helicopter to Wichita, I called our church’s prayer chain, which immediately got the word out to our local friends. But I was trying to think of who I could call to get the word out to all my colleagues. Then it dawned on me...Martin Hawver! Martin sent out a newsflash, and I immediately started getting texts from my friends saying they were praying for Noelle.

“When we got to Wesley, Noelle was in a coma. She had suffered what is called Diffuse Axonal Injury, which is a shearing between brain cells caused by rapid acceleration and rotation. The doctors told us that the length of time she spent in a coma would be indicative of the amount of damage her brain had sustained. It might be 2 days, or it could be 2 months; there was no way to know. Noelle lay in a coma for 10 days, then a semi-coma for another 4 days before being transferred to Madonna Rehabilitation Hospital in Lincoln, NE. Judging by the length of her coma, the doctors said it would take 12-18 months of therapy. The evaluation at Madonna predicted mid-December to complete in-patient therapy and the remainder in out-patient therapy. At that time, she was in a neck brace, her right arm and leg were non-functioning, and her left side was extremely limited.

“To everyone’s surprise, including her doctors and therapists, she made extremely rapid recovery. She was released from in-patient rehabilitation 3 weeks prior to predictions...just in time for Thanksgiving. Her neck brace was gone and she could walk good enough to navigate stairs with help. She could play some of her piano pieces, although very slowly.

“She just finished her out-patient therapy last week, which was less than 6 months after the accident...far shorter than the 12-18 months we expected. She will continue to recover, as brain injuries take time to fully heal. But she is able to do things she had previously been able to do with the exception that her right hand isn’t as strong as her left. This causes a little lopsidedness when it’s her turn to milk our goats.

“One thing that stood out to us throughout the whole ordeal was the support and

prayers from friends from the statehouse: legislators, staff, the Governor, and lobbyists. Rep. Pete DeGraaf and Sen. Jeff King helped establish a fund to assist with our deductibles, co-pays, and related expenses. We had cards and letters pouring in with support, as well as calls and text messages. Everyone expressed they were praying and we could feel the power of God throughout the ordeal.

“Today, I present to you Noelle Holmes...our version of a walking miracle. She’s shy and doesn’t really enjoy being “shown off” in front of y’all. But she and the rest of the Holmes family wish to say thanks to our friends in the Statehouse for all the support and prayers you showed us during this difficult time.”

The Senators rose to give Noelle a standing ovation.

Senator Love rose on a Point of Personal Privilege to recognize the students of Cimarron Christian School visiting the Senate. The Senators acknowledged the students with applause.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 238, AN ACT concerning property taxation; relating to classification of certain property as real or personal property prior to installation or construction; procedure for binding determination, by Committee on Assessment and Taxation.

SB 239, AN ACT concerning income taxation; relating to taxation of corporations; rate reduction based upon actual corporation income tax state general fund receipts computation; amending K.S.A. 2012 Supp. 79-32,110 and repealing the existing section, by Committee on Ways and Means.

SB 240, AN ACT concerning taxation; relating to income tax on corporations; rates, credits and deductions; amending K.S.A. 2012 Supp. 74-99c09, 79-32,110, 79-32,117, 79-32,196 and 79-32,211 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 32-1438, 39-7,132, 40-2246, 65-7107, 74-8206, 74-8340, 74-8316, 74-8401, 74-50,208, 79-1117, 79-32,143, 79-32,160a, 79-32,160f, 79-32,175, 79-32,182b, 79-32,200, 79-32,201, 79-32,204, 79-32,207, 79-32,210, 79-32,212 and 79-32,222, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2042**, **HB 2058**, **HB 2135**.

Ethics, Elections and Local Government: **HB 2091**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2094**; **Sub HB 2166**.

Announcing passage of **SB 62**, **SB 69**.

Also, passage of **SB 27**, as amended, **SB 128**, as amended, **SB 168**, as amended.

The House nonconcur in Senate amendments to **S Sub for HB 2022**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2081**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2094, **Sub HB 2166** were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2083**, as amended by House Committee, be passed.

Committee on **Education** recommends **HB 2109**, **HB 2221** be passed.

Also, **HB 2181** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2349, as amended by House Committee, be amended on page 1, in line 5, after "(a)" by inserting "(1)"; following line 13, by inserting:

"(2) No unified school district shall be required to participate in a school district efficiency audit under this subsection if such unified school district has participated in a similar efficiency audit with either the legislative division of post audit or any other organization in the previous five years.";

Also on page 1, following line 19, by inserting:

"(c) The provisions of this section shall expire on June 30, 2017."; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **HB 2162**, as amended by House Committee of the Whole, be amended on page 1, in line 5, by striking "shall" and inserting "may"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2012** and **HB 2144** 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.

Also, **HB 2077**, as amended by House Committee, be amended on page 1, in line 9, after "discharge" by inserting "or a general discharge under honorable conditions"; in line 16, by striking "completed" and inserting "complete"; also in line 16, after "applicant" by inserting "with an honorable discharge"; in line 34, by striking "a" and inserting "an"; in line 35, by striking "person" and inserting "applicant"; also in line 35, by striking "under honorable"; in line 36, by striking all before the period and inserting "with a general discharge under honorable conditions";

On page 2, in line 14, after "discharge" by inserting "or a general discharge under honorable conditions"; in line 20, by striking "completed" and inserting "complete"; in line 23, by striking "completed" and inserting "complete"; in line 25, after the first "member" by inserting "with an honorable discharge"; in line 27, after "member" by inserting "with an honorable discharge";

On page 4, in line 9, by striking "under"; in line 10, by striking all before the period and inserting "with a general discharge under honorable conditions"; and the bill be passed as amended.

HB 2128, as amended by House Committee, be amended on page 4, in line 18, by striking the comma; by striking all in lines 19 and 20; in line 21, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2353** be passed.

Also, **HB 2043** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2043," as follows:

"Senate Substitute for HOUSE BILL No. 2043
By Committee on Judiciary

"AN ACT concerning the attorney general; relating to duties, responsibilities and authority; amending K.S.A. 2012 Supp. 75-702 and repealing the existing section."; and the substitute bill be passed.

HB 2120, as amended by House Committee, be amended on page 5, in line 40, by striking "act" and inserting "section";

On page 6, following line 19, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 21-6403 is hereby amended to read as follows: 21-6403. As used in K.S.A. 2012 Supp. 21-6403 through 21-6409, and amendments thereto:

(a) "Bet" means a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

(1) Bona fide business transactions which are valid under the law of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance;

(2) offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength or endurance or to the bona fide owners of animals or vehicles entered in such a contest;

(3) a lottery as defined in this section;

(4) any bingo game by or for participants managed, operated or conducted in accordance with the laws of the state of Kansas by an organization licensed by the state of Kansas to manage, operate or conduct games of bingo;

(5) a lottery operated by the state pursuant to the Kansas lottery act;

(6) any system of parimutuel wagering managed, operated and conducted in accordance with the Kansas parimutuel racing act; ~~or~~

(7) tribal gaming; or

(8) a raffle;

(b) "lottery" means an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance. A lottery does not include:

(1) A lottery operated by the state pursuant to the Kansas lottery act; or

(2) tribal gaming;

(c) "consideration" means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration. "Consideration" shall not include sums of money paid by or for:

(1) Participants in any bingo game managed, operated or conducted in accordance with the laws of the state of Kansas by any bona fide nonprofit religious, charitable,

fraternal, educational or veteran organization licensed to manage, operate or conduct bingo games under the laws of the state of Kansas and it shall be conclusively presumed that such sums paid by or for such participants were intended by such participants to be for the benefit of the sponsoring organizations for the use of such sponsoring organizations in furthering the purposes of such sponsoring organizations, as set forth in the appropriate paragraphs of subsection (c) or (d) of section 501 of the internal revenue code of 1986 and as set forth in K.S.A. 79-4701, and amendments thereto;

(2) participants in any lottery operated by the state pursuant to the Kansas lottery act;

(3) participants in any system of parimutuel wagering managed, operated and conducted in accordance with the Kansas parimutuel racing act; or

(4) a person to participate in tribal gaming;

(d) (1) "gambling device" means any:

(A) So-called "slot machine" or any other machine, mechanical device, electronic device or other contrivance an essential part of which is a drum or reel with insignia thereon, and:

(i) Which when operated may deliver, as the result of chance, any money or property; or

(ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;

(B) other machine, mechanical device, electronic device or other contrivance including, but not limited to, roulette wheels and similar devices, which are equipped with or designed to accommodate the addition of a mechanism that enables accumulated credits to be removed, is equipped with or designed to accommodate a mechanism to record the number of credits removed or is otherwise designed, manufactured or altered primarily for use in connection with gambling, and:

(i) Which when operated may deliver, as the result of chance, any money or property; or

(ii) by the operation of which a person may become entitled to receive, as the result of chance, any money or property;

(C) subassembly or essential part intended to be used in connection with any such machine, mechanical device, electronic device or other contrivance, but which is not attached to any such machine, mechanical device, electronic device or other contrivance as a constituent part; or

(D) any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet.

The fact that the prize is not automatically paid by the device does not affect its character as a gambling device.

(2) "Gambling device" shall not include:

(A) Any machine, mechanical device, electronic device or other contrivance used or for use by a licensee of the Kansas racing commission as authorized by law and rules and regulations adopted by the commission or by the Kansas lottery or Kansas lottery retailers as authorized by law and rules and regulations adopted by the Kansas lottery commission;

(B) any machine, mechanical device, electronic device or other contrivance, such as a coin-operated bowling alley, shuffleboard, marble machine, a so-called pinball machine, or mechanical gun, which is not designed and manufactured primarily for use

in connection with gambling, and:

- (i) Which when operated does not deliver, as a result of chance, any money; or
- (ii) by the operation of which a person may not become entitled to receive, as the result of the application of an element of chance, any money;

(C) any so-called claw, crane or digger machine and similar devices which are designed and manufactured primarily for use at carnivals or county or state fairs; or

(D) any machine, mechanical device, electronic device or other contrivance used in tribal gaming;

(e) "gambling place" means any place, room, building, vehicle, tent or location which is used for any of the following: Making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place;

(f) "raffle" means a fundraising event in which: (1) Participants donate or agree to donate something of value for an opportunity to win something of value; (2) winning opportunities are represented by tickets differentiated by sequential enumeration; (3) winners are picked by a random drawing of tickets or some other similar method of determining a winner or by a race utilizing inanimate objects floated along a river, stream, canal or other body of water; and (4) the raffle is conducted for the benefit of a nonprofit organization, an agency of the United States government, an agency of the state of Kansas or a political subdivision.

~~(f)~~ (g) "tribal gaming" means the same as in K.S.A. 74-9802, and amendments thereto; and

~~(g)~~ (h) "tribal gaming commission" means the same as in K.S.A. 74-9802, and amendments thereto.;

And by renumbering sections accordingly;

Also on page 6, in line 20, by striking "is" and inserting "and 21-6403 are";

On page 1, in the title, in line 1, by striking "relating" in line 2, by striking all before "amending"; in line 3, after "21-2511" by inserting "and 21-6403"; also in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Substitute for HB 2017 be amended on page 1, following line 13, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 22-2502 is hereby amended to read as follows: 22-2502. (a) A search warrant shall be issued only upon the oral or written statement, including those conveyed or received by electronic communication, of any person under oath or affirmation which states facts sufficient to show probable cause that a crime has been ~~or~~ is being or is about to be committed and which particularly describes a person, place or means of conveyance to be searched and things to be seized. Any statement which is made orally shall be either taken down by a certified shorthand reporter, sworn to under oath and made part of the application for a search warrant, or recorded before the magistrate from whom the search warrant is requested and sworn to under oath. Any statement orally made shall be reduced to writing as soon thereafter as possible. If the magistrate is satisfied that grounds for the application exist or that there is probable cause to believe that they exist, the magistrate may issue a search warrant for:

(1) The search or seizure of the following:

~~(1)(A)~~ Any things ~~thing~~ which ~~have~~ has been used in the commission of a crime, or

any contraband or any property which constitutes or may be considered a part of the evidence, fruits or instrumentalities of a crime under the laws of this state, any other state or of the United States. The term "fruits" as used in this act shall be interpreted to include any property into which the thing or things unlawfully taken or possessed may have been converted;

~~(2)(B)~~ any person who has been kidnapped in violation of the laws of this state or who has been kidnapped in another jurisdiction and is now concealed within this state;

~~(3)(C)~~ any human fetus or human corpse;

~~(4)(D)~~ any person for whom a valid felony arrest warrant has been issued in this state or in another jurisdiction;

~~(5)(A)(E)~~ (i) any information concerning the user of an electronic communication service; any information concerning the location of electronic communications systems, including, but not limited to, towers transmitting cellular signals involved in any wire communication; and any other information made through an electronic communications system;

~~(B)(ii)~~ the jurisdiction granted in this paragraph shall extend to information held by entities registered to do business in the state of Kansas, submitting to the jurisdiction thereof, and entities primarily located outside the state of Kansas if the jurisdiction in which the entity is primarily located recognizes the authority of the magistrate to issue the search warrant; or

(2) the installation, maintenance and use of a tracking device.

(b) (1) The search warrant under subsection (a)(2) shall authorize the installation and use of the tracking device to track and collect tracking data relating to a person or property for a specified period of time, not to exceed 30 days from the date of the installation of the device.

(2) The search warrant under subsection (a)(2) may authorize the retrieval of the tracking data recorded by the tracking device during the specified period of time for authorized use of such tracking device within a reasonable time after the expiration of such warrant, for good cause shown.

(3) The magistrate may, for good cause shown, grant one or more extensions of a search warrant under subsection (a)(2) for the use of a tracking device, not to exceed 30 days each.

~~(b)(c)~~ Before ruling on a request for a search warrant, the magistrate may require the affiant to appear personally and may examine under oath the affiant and any witnesses that the affiant may produce. Such proceeding shall be taken down by a certified shorthand reporter or recording equipment and made part of the application for a search warrant.

~~(c)(d)~~ Affidavits or sworn testimony in support of the probable cause requirement of this section or search warrants for tracking devices shall not be made available for examination without a written order of the court, except that such affidavits or testimony when requested shall be made available to the defendant or the defendant's counsel for such disposition as either may desire.

~~(4)(e)~~ As used in this section: (1) "Electronic communication" means the use of electronic equipment to send or transfer a copy of an original document; ~~and~~

(2) "electronic communication service" and "electronic communication system" have the meaning as defined in K.S.A. 22-2514, and amendments thereto;

(3) "tracking data" means information gathered or recorded by a tracking device.

and

(4) "tracking device" means an electronic or mechanical device that permits a person to remotely determine or track the position or movement of a person or object. "Tracking device" includes, but is not limited to, a device that stores geographic data for subsequent access or analysis and a device that allows for the real-time monitoring of movement.

(e) (f) Nothing in this section shall be construed as requiring a search warrant for cellular location information in an emergency situation pursuant to K.S.A. 22-4615, and amendments thereto.

Sec. 3. K.S.A. 22-2503 is hereby amended to read as follows: 22-2503. (a) Except as provided in subsection (b), search warrants issued by a district magistrate judge may be executed only within the judicial district in which ~~said~~ the judge resides or within the judicial district to which ~~said~~ the judge has been assigned pursuant to K.S.A. 20-319, and amendments thereto.

(b) Search warrants issued pursuant to subsection (a)(2) of K.S.A. 22-2502, and amendments thereto:

(1) That are issued by a district judge may be executed anywhere within the state; and

(2) shall be valid during the time period specified by the warrant regardless of whether the tracking device or the subject person or property leaves the issuing jurisdiction.

(c) As used in this section, "tracking data" and "tracking device" have the same meanings as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 4. K.S.A. 22-2506 is hereby amended to read as follows: 22-2506. (a) A search warrant shall be executed within ~~ninety-six~~ 96 hours from the time of issuance. If the warrant is executed the duplicate copy shall be left with any person from whom any things are seized or if no person is available the copy shall be left at the place from which the things were seized. Any warrant not executed within such time shall be void and shall be returned to the court of the magistrate issuing the same as "not executed."

(b) (1) A search warrant for a tracking device issued pursuant to subsection (a)(2) of K.S.A. 22-2502, and amendments thereto, shall be sealed by the court and no copy left or served except as discovery in a criminal prosecution.

(2) The law enforcement officer executing a search warrant issued pursuant to subsection (a)(2) of K.S.A. 22-2502, and amendments thereto, shall complete the installation of the tracking device within 15 days from the date of issuance. Such officer shall record on such warrant the exact date and time such tracking device was installed and the entire period during which such tracking device was used.

(3) (A) A tracking device shall be deactivated and removed as soon as practicable after the search warrant has expired. If removal of such tracking device is not possible, such tracking device shall be deactivated and shall not be reactivated without an additional warrant or extension of the original warrant and the search warrant return shall state the reasons removal has not been completed.

(B) A tracking device which has been deactivated may be accessed after the authorized warrant has expired solely for the purpose of collecting or retrieving tracking data obtained during the period specified by the search warrant.

(c) As used in this section:

(1) "Deactivate" means to discontinue the ability of a tracking device to determine

or track the position or movement of a person or object; and

(2) "tracking data" and "tracking device" have the same meanings as defined in K.S.A. 22-2502, and amendments thereto.";

And by redesignating sections accordingly;

On page 2, in line 37, after "12-4601" by inserting ", 22-2503 and 22-2506"; also in line 37, after "Supp." by inserting "22-2502,";

On page 1, in the title, in line 2, after "court;" by inserting "appeals from a district magistrate judge; use of tracking devices by law enforcement; search warrants;"; also in line 2, after "12-4601" by inserting ", 22-2503 and 22-2506"; also in line 2, after "Supp." by inserting "22-2502,"; and the bill be passed as amended.

HB 2028, as amended by House Committee, be amended on page 1, in line 12, after "be" by inserting "commenced and"; in line 14, after "be" by inserting "commenced and"; in line 17, by striking "by paragraph" and inserting "in subsection"; and the bill be passed as amended.

HB 2218 be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 2012 Supp. 8-2,144 is hereby amended to read as follows: 8-2,144. (a) 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 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) (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 K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; 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 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) In addition, for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2012 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a

department of social and rehabilitation 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.

(3) In addition, prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of 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.

(k) (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.

(l) 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.

(m) 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.

(n) For the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a

violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) This section; (B) refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2012 Supp. 8-1025, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A. 2012 Supp. 21-5413, and amendments thereto; and ~~(E)~~ (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (n)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (n)(1) or (n)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (n)(1) or (n)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(5) multiple convictions of any crime described in subsection (n)(1) or (n)(2) arising from the same arrest shall only be counted as one conviction.

(o) 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. 2012 Supp. 21-5712, and amendments thereto.

(p) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto.";

On page 6, following line 29, by inserting:

"Sec. 3. K.S.A. 2012 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 or K.S.A. 2012 Supp. 8-1025, and amendments thereto, or conviction of a violation of aggravated battery as described in subsection (b)(3) of K.S.A. 2012 Supp. 21-5413, 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 or K.S.A. 2012 Supp. 8-1025, 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 [date] of this act.

(f) "Other competent evidence" includes: (1) Alcohol concentration tests obtained from samples taken 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. 2012 Supp. 21-5111, 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 or K.S.A. 2012 Supp. 8-1025, and amendments thereto, if committed off a military reservation in this state.";

On page 12, following line 14, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 8-1025 is hereby amended to read as follows: 8-1025.

(a) Refusing to submit to a test to determine the presence of alcohol or drugs is refusing to submit to or complete a test or tests deemed consented to under subsection (a) of K.S.A. 8-1001, and amendments thereto, if such person has:

(1) Any prior test refusal as defined in K.S.A. 8-1013, and amendments thereto, which occurred: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older; or

(2) any prior conviction for a violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, which occurred: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older.

(b) (1) Refusing to submit to a test to determine the presence of alcohol or drugs is:

(A) On a first conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(B) on a second conviction a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(C). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation,

suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(C) on a second conviction a nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and

(D) 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 \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person

convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 72 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(C) or (b)(1)(D) 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. 2012 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(B), (b)(1)(C) or (b)(1)(D), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2012 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the

person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a department of social and rehabilitation 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 pursuant to subsection (b)(1) (A), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessments 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.

(e) 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.

(f) 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.

(g) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive

from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(h) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring: (A) On or after July 1, 2001; and (B) when such person was 18 years of age or older. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections which occurred during a person's lifetime shall be taken into account, but only convictions occurring when such person was 18 years of age or older: (A) This section; (B) driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A. 2012 Supp. 21-5413, and amendments thereto; and ~~(E) (F)~~ aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (h)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (h)(1) or (h)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (h)(1) or (h)(2) if committed off a military reservation in this state;

(4) it is irrelevant whether an offense occurred before or after conviction for a previous offense;

(5) multiple convictions of any crime described in subsection (h)(1) or (h)(2) arising from the same arrest shall only be counted as one conviction;

(6) the prior conviction that is an element of the crime of refusing to submit to a test to determine the presence of alcohol or drugs shall not be used for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section and shall not be considered in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offense; and

(7) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, or an ordinance which prohibits the acts of this section, only once during the person's lifetime.

(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 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 act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) An ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(k) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(l) 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.

(m) As used in this section, "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.

(n) On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113,

and amendments thereto.

Sec. 6. K.S.A. 2012 Supp. 8-1567 is hereby amended to read as follows: 8-1567.
(a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in paragraph (1) of subsection (f) of K.S.A. 8-1013, and amendments thereto, is .08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b)(1) Driving under the influence is:

(A) On a first conviction a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment;

(B) on a second conviction a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours;

(C) on a third conviction a class A, nonperson misdemeanor, except as provided in

subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours;

(D) on a third conviction a nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours; and

(E) on a fourth or subsequent conviction a nonperson felony. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be

served in a work release program only after such person has served 72 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 72 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 72 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours.

(2) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 2012 Supp. 21-6804, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person's discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.

(3) In addition, for any conviction pursuant to subsection (b)(1)(C), (b)(1)(D) or (b)(1)(E), at the time of the filing of the judgment form or journal entry as required by K.S.A. 22-3426 or K.S.A. 2012 Supp. 21-6711, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the offender in charge. The court shall determine whether the offender, upon release from imprisonment, shall be supervised by community correctional services or court services based upon the risk and needs of the offender. The risk and needs of the offender shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a defendant for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the defendant to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the

person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a department of social and rehabilitation 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 pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 14 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

(f) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this section to the division. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account: (A) Refusing to submit to a test to determine the presence of alcohol or drugs, K.S.A. 2012 Supp. 8-1025, and amendments thereto; (B) driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto; (C) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto; (D) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto; (E) aggravated battery as described in subsection (b)(3) of K.S.A. 2012 Supp. 21-5413, and amendments thereto; and ~~(E)~~ (F) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes: (A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (i)(2); (B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another state which would constitute a crime described in subsection (i)(1) or (i)(2); and (C) receiving punishment under the uniform code of military justice or Kansas code of military justice for an act which was committed on a military reservation and which would constitute a crime described in subsection (i)(1) or (i)(2) if committed off a military reservation in this state;

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(j) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(k) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(l) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(m) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining.

(n) The alternatives set out in subsections (a)(1), (a)(2) and (a)(3) may be pleaded in the alternative, and the state, city or county, but shall not be required to, may elect one or two of the three prior to submission of the case to the fact finder.

(o) As used in this section: (1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" shall include any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such

environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 2012 Supp. 21-5712, and amendments thereto.

(p) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the department of corrections alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On and after July 1, 2011, the amount of \$250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto.";

On page 14, following line 17, by inserting:

"Sec. 8. K.S.A. 2012 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or

(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner;

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person; or

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act.

(c) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer

or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty; or

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the

performance of such employee's duty.

(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary of social and rehabilitation services, while such employee is engaged in the performance of such employee's duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(h) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;

(2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution;

(3) "juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto;

(4) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 2012 Supp. 38-2302, and amendments thereto;

(5) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility;

(6) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12; and

(7) "mental health employee" means an employee of the department of social and rehabilitation services working at Larned state hospital, Osawatomie state hospital and Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 14, in line 18, after "Supp." by inserting "8-2,144,"; also in line 18, by striking the second "and" and inserting ", 8-1013,"; also in line 18, after "8-1020" by

inserting ", 8-1025, 8-1567 and 21-5413";

On page 1, in the title, in line 1, after "concerning" by inserting "driving; relating to"; in line 2, by striking "relating to"; also in line 2, after "hearings;" by inserting "aggravated battery;"; in line 3, after "Supp." by inserting "8-2,144, "; also in line 3, by striking the second "and" and inserting ", 8-1013, "; also in line 3, after "8-1020" by inserting ", 8-1025, 8-1567 and 21-5413"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2343** be passed.

Also, **HB 2368**, as amended by House Committee of the Whole, be passed.

SB 210 be amended on page 1, in line 30, by striking "160.301" and inserting "160.103";

On page 6, after line 5, by inserting:

"(c) No expenditure shall be made from the state general fund for the purposes of administration, operation or oversight of the health information organizations defined in K.S.A. 65-6821, and amendments thereto, except that the secretary of health and environment may make operational expenditures for the purpose of adopting and administering the rules and regulations necessary to implement the Kansas health information technology act.";

On page 8, in line 33, by striking "PHI" and inserting "protected health information"; in line 43, by striking "22" and inserting "23";

On page 9, in line 14, by striking "two" and inserting "one"; in line 30, by striking "and"; in line 32, after "care" by inserting:

";
(13) one member shall be a representative of the Kansas optometric association;
and

(14) one member shall be a representative of the association of community mental health centers of Kansas";

Also on page 9, in line 37, by striking "five" and inserting "six"; and the bill be passed as amended.

HB 2025, as amended by House Committee of the Whole, be amended on page 3, in line 8, by striking "three times" and inserting "once"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2011** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2011," as follows:

"Senate Substitute for HOUSE BILL No. 2011

By Committee on Transportation

"AN ACT concerning distinctive license plates; making educational institution plates available to motorcycles; transferability of license plates; amending K.S.A. 2012 Supp. 8-1,142 and repealing the existing section.";

and the substitute bill be passed.

Also, **HB 2269**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

Recommended: **SB 226; HB 2041, HB 2044** be passed.

A motion by Senator Haley to amend **HB 2044** failed and the following amendment was rejected: on page 1, in line 5, before "Section" by inserting "New"; following line 33, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in subsection (d)(1), (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in subsection (e) of K.S.A. 65-4105, subsection (e) of K.S.A. 65-4107, subsection (b) or (c) of K.S.A. 65-4109 or subsection (b) of K.S.A. 65-4111, and amendments thereto;

(2) any stimulant designated in subsection (f) of K.S.A. 65-4105, subsection (d)(2), (d)(4), (d)(5) or (f)(2) of K.S.A. 65-4107 or subsection (e) of K.S.A. 65-4109, and amendments thereto;

(3) any hallucinogenic drug designated in subsection (d) of K.S.A. 65-4105, subsection (g) of K.S.A. 65-4107 or subsection (g) of K.S.A. 65-4109, and amendments thereto;

(4) any substance designated in subsection (g) of K.S.A. 65-4105 and subsection (c), (d), (e), (f) or (g) of K.S.A. 65-4111, and amendments thereto;

(5) any anabolic steroids as defined in subsection (f) of K.S.A. 65-4109, and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in subsection (h) of K.S.A. 65-4105, and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony; and

(2) (A) violation of subsection (b) is a class A nonperson misdemeanor, except as provided in subsection (c)(2)(B); and

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in subsection (d) of K.S.A. 65-4105, and amendments thereto, or any substance designated in subsection (h) of K.S.A. 65-4105, and amendments thereto, or an analog thereof.

(d) It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

(e) This section shall not apply if a person possesses marijuana or any analog thereof and such person's practitioner has recommended that use of marijuana may benefit such person's medical condition.

Sec. 3. K.S.A. 2012 Supp. 21-5709 is hereby amended to read as follows: 21-5709.

(a) It shall be unlawful for any person to possess ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with an intent to use the product to manufacture a controlled substance.

(b) It shall be unlawful for any person to use or possess with intent to use any drug paraphernalia to:

(1) Manufacture, cultivate, plant, propagate, harvest, test, analyze or distribute a controlled substance; or

(2) store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body.

(c) It shall be unlawful for any person to use or possess with intent to use anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas department of agriculture.

(d) It shall be unlawful for any person to purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period.

(e) (1) Violation of subsection (a) is a drug severity level 3 felony;

(2) violation of subsection (b)(1) is a:

(A) Drug severity level 5 felony, except as provided in subsection (e)(2)(B); and

(B) class A nonperson misdemeanor if the drug paraphernalia was used to cultivate fewer than five marijuana plants;

(3) violation of subsection (b)(2) is a class A nonperson misdemeanor;

(4) violation of subsection (c) is a drug severity level 5 felony; and

(5) violation of subsection (d) is a class A nonperson misdemeanor.

(f) For persons arrested and charged under subsection (a) or (c), bail shall be at least \$50,000 cash or surety, unless the court determines, on the record, that the defendant is not likely to reoffend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

(g) (1) This section shall not apply if a person uses or possesses with intent to use any drug paraphernalia to manufacture, cultivate, plant, propagate, harvest, test or analyze marijuana or any analog thereof and such person's practitioner has recommended that use of marijuana may benefit such person's medical condition.

(2) This section shall not apply if a person uses or possesses with intent to use any drug paraphernalia to store, contain, conceal, ingest, inhale or otherwise introduce marijuana or any analog thereof into the person's human body and such person's practitioner has recommended that use of marijuana may benefit such person's medical condition.

Sec. 4. K.S.A. 2012 Supp. 21-5706 and 21-5709 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking "distribution of"; in line 2, by striking "causing death or great bodily harm" and inserting "; amending K.S.A. 2012 Supp. 21-

5706 and 21-5709 and repealing the existing sections"

SB 203; HB 2009, HB 2305 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 214** recommending a **Sub SB 214** be adopted and the substitute bill be passed.

Sub SB 165 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator McGinn, on page 1, in line 6, before "Section" by inserting "New";

On page 2, following line 39, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 79-1703 is hereby amended to read as follows: 79-1703. (a) Except as provided in subsection (b), section 1, and amendments thereto, or as otherwise provided by law, no board of county commissioners or other officer of any county shall have power to release, discharge, ~~or remit or commute~~ any portion of the taxes assessed or levied against any person or property within their respective jurisdictions for any reason whatever. Any taxes so discharged, released, ~~or remitted or commuted~~ may be recovered by civil action from the members of the board of county commissioners or such other officer and the sureties of their official bonds at the suit of the attorney general, the county attorney, or of any citizen of the county or the board of education of any school district a part of the territory of which is in such county, as the case may be, and when collected shall be paid into the county treasury to be properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled thereto. Nothing in this subsection shall be construed to prohibit a board of county commissioners from entering into an agreement whereby the board agrees to pay the full amount of the taxes assessed or levied against any person or property on behalf of such person, as long as such amount is properly apportioned and paid to the county, municipalities, school districts and other taxing subdivisions entitled to a portion of such amount.

(b) In the event a person, partnership or corporation has failed to pay any portion of the taxes assessed or levied against its property located within any county and such person, partnership or corporation is a debtor in an action filed pursuant to the United States bankruptcy code, the county commissioners of any such county may compromise, assign, transfer or otherwise settle such tax claim in such fashion as the commissioners deem to be in the best interest of the state and all taxing subdivisions affected thereby, subject to approval by the state court of tax appeals; except that, the state and each other taxing subdivision affected by any such settlement shall receive the same proportional share of its respective tax claim. The state court of tax appeals shall respond to such settlement request within 30 days from the date of receiving such request or such request shall be deemed approved.

Sec. 3. K.S.A. 2012 Supp. 79-1703 is hereby repealed.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "calamity" by inserting "; certain agreements by board of county commissioners; payment of taxes; amending K.S.A. 2012 Supp. 79-1703 and repealing the existing section" and **Sub SB 165** be passed as amended.

SB 162; HB 2078 be passed over and retain a place on the calendar.

ORIGINAL MOTION

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **S Sub for HB 2022**.

The Vice President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2081**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Masterson the Senate nonconcurred in the House amendments to **SB 27** and requested a conference committee be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator Abrams the Senate nonconcurred in the House amendments to **SB 128** and requested a conference committee be appointed.

The Vice President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Love the Senate nonconcurred in the House amendments to **SB 168** and requested a conference committee be appointed.

The Vice President appointed Senators Love, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Wednesday, March 20, 2013.

Journal of the Senate

FORTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 20, 2013, 2:30 p.m.

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

Heavenly Father, the days are growing longer and the sun is shining brighter as we get ever closer to the beauty and wonder of Spring. The flowers will bloom and remind us of all that is good and wonderful about your creation. Help us Lord never to forget that we are the stewards of your many gifts, the caretakers of what you have made. Forgive us when we lose track of the importance of that task, and make us mindful of your presence with us as we see and wonder at the world around us. In your holy name we pray, Amen.

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 238, SB 239, SB 240.**

Education: **HB 2094.**

Public Health and Welfare: **Sub HB 2166.**

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2086.**

The House concurs in Senate amendments to **S Sub for HB 2022**, and requests return of the bill.

Announcing passage of **HB 2037, HB 2253.**

Announcing passage of **SB 85.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2037, HB 2086; Sub HB 2231; HB 2253 were thereupon introduced and read by title.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2012** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1737 –

A RESOLUTION recognizing the many contributions made by citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with the Azerbaijani people.

WHEREAS, The Republic of Azerbaijan and the United States of America are long-standing allies, both dearly cherishing the universal values of freedom, democracy and human rights; and

WHEREAS, The State of Kansas and the Republic of Azerbaijan enjoy a strong, vibrant and mutually beneficial economic relationship with the prospect of further growth; and

WHEREAS, It is the custom of the State of Kansas to welcome all who come to our state, especially those who come in the interest of friendship and commerce; and

WHEREAS, It is the policy of the Kansas Senate to recognize the contributions of our allies and the value of maintaining beneficial relationships with the allies of the United States of America, including the contributions made by the Republic of Azerbaijan and the value of our positive relationship with this ally: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the many contributions made by the citizens of the Republic of Azerbaijan and that it is in the best interest of the State of Kansas to promote relationships with Azerbaijan.

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the United States Speaker of the House of Representatives, the President of the United States Senate, the Secretary of State of the United States Department of State, the Kansas Congressional Delegation, Richard L. Morningstar, the United States Ambassador to the Republic of Azerbaijan and Senator Faust-Goudeau.

On emergency motion of Senator Faust-Goudeau **SR 1737** was adopted unanimously.
The Senators rose for a standing ovation.

FINAL ACTION ON CONSENT CALENDAR

SB 222; HB 2007, HB 2096, HB 2138, HB 2147, HB 2176, HB 2177, HB 2193 and **HB 2202** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 222, AN ACT concerning property taxation; relating to protesting payment of taxes; loans by pooled money investment board to local taxing district; payment of refund of taxes; amending K.S.A. 2012 Supp. 79-2005 and repealing the existing section.

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

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

The bill passed.

HB 2007, AN ACT concerning insurance holding companies; amending K.S.A. 40-3302, 40-3304, 40-3305, 40-3306, 40-3307, 40-3308, 40-3309, 40-3311 and 40-3311a and repealing the existing sections.

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

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

Nays: Tyson.

The bill passed.

HB 2096, AN ACT concerning local governing bodies; relating to investment of public moneys, conditions and limitations; amending K.S.A. 2012 Supp. 12-1675 and repealing the existing section.

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

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

The bill passed.

HB 2138, AN ACT repealing K.S.A. 55-103, 55-104, 55-105, 55-106, 55-107, 55-108, 55-109, 55-301, 55-302, 55-303, 55-304, 55-305, 55-306, 55-307, 55-308, 55-309 and 55-310; concerning oil and gas.

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

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

The bill passed.

HB 2147, AN ACT repealing K.S.A. 68-422b, 68-1129, 68-1601, 68-1602, 68-1603, 68-1604, 68-1605, 68-1606, 68-1607, 68-1608, 68-1609, 68-1610, 68-1611, 68-1612 and 68-1613; relating to roads and bridges.

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

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

The bill passed.

HB 2176, AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Eisenhower foundation license plate.

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

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

Nays: Tyson.

The bill passed.

HB 2177, AN ACT relating to motor carriers; concerning safety rules and regulations; certificates of convenience and necessity; transportation of certain materials; amending K.S.A. 66-1,129b and K.S.A. 2012 Supp. 8-2,127, 66-1,114b and 66-1,129 and repealing the existing sections.

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

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

The bill passed.

HB 2193, 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 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

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

The bill passed.

HB 2202, AN ACT concerning transportation; relating to motor carrier regulations.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub for SB 165, AN ACT concerning property taxation; relating to authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed or substantially destroyed by calamity; certain agreements by board of county commissioners; payment of taxes; amending K.S.A. 2012 Supp. 79-1703 and repealing the existing section, was considered on final action.

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

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

The substitute bill passed, as amended.

SB 203, AN ACT concerning intoxicating liquor; dealing with club and drinking establishments; amending K.S.A. 2012 Supp. 41-104 and 41-2640 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Bowers, Bruce, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wolf.

Nays: Apple, Arpke, Denning, Donovan, King, Knox, Love, Lynn, Masterson, McGinn, Petersen, Pyle, Tyson.

The bill passed, as amended.

Sub SB 214, AN ACT concerning bottle rockets; amending K.S.A. 31-155 and 31-156 and repealing the existing sections, was considered on final action.

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

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

The substitute bill passed.

SB 226, AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2009, AN ACT concerning the uniform act regulating traffic; relating to failure to comply with traffic citation; restricted driving privileges; amending K.S.A. 2012 Supp. 8-2110 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

HB 2041, AN ACT concerning criminal history record information; definition; relating to municipal court reporting; district court reporting; amending K.S.A. 2012 Supp. 12-4106, 22-4701 and 22-4704 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2044, AN ACT concerning crimes and punishment; relating to distribution of controlled substances causing death or great bodily harm, was considered on final action.

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

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

The bill passed.

HB 2305, AN ACT concerning the Kansas storage tank act; relating to secondary containment of underground storage tanks; amending K.S.A. 2012 Supp. 65-34,102 and 65-34,103 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 27** and has appointed Representatives Goico, Gonzalez and Meier as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 128** and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 168** and has

appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

Sub for SB 165, SB 203 reported correctly engrossed March 20, 2013.

REPORT OF ENROLLED BILLS

SR 1734, SR 1735, SR 1736 reported correctly enrolled, properly signed and presented to the Secretary of the Senate, on March 20, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2049**, as amended by House Committee, be amended on page 1, in line 31, by striking "2019" and inserting "2015";

On page 2, in line 1, by striking "2019" and inserting "2015";

On page 3, in line 4, by striking "2019" and inserting "2015";

On page 4, in line 14, by striking "2019" and inserting "2015"; in line 41, by striking "2019" and inserting "2015";

On page 5, in line 4, by striking "2019" and inserting "2015";

On page 6, in line 5, by striking "2019" and inserting "2015";

On page 7, in line 4, by striking "2019" and inserting "2015";

On page 8, in line 12, by striking "2019" and inserting "2015"; in line 18, by striking "2019" and inserting "2015"; in line 24, by striking "2019" and inserting "2015"; in line 32, by striking "2019" and inserting "2015"; in line 40, by striking "2019" and inserting "2015";

On page 9, in line 4, by striking "2019" and inserting "2015"; in line 37, by striking "2019" and inserting "2015";

On page 10, in line 3, by striking "2019" and inserting "2015"; in line 9, by striking "2019" and inserting "2015"; in line 17, by striking "2019" and inserting "2015"; in line 27, by striking "2019" and inserting "2015"; in line 37, by striking "2019" and inserting "2015";

On page 11, in line 3, by striking "2019" and inserting "2015";

On page 12, in line 28, by striking "2019" and inserting "2015";

On page 13, in line 17, by striking "2019" and inserting "2015";

On page 14, in line 37, by striking "2019" and inserting "2015";

On page 15, in line 36, by striking "2019" and inserting "2015";

On page 16, in line 25, by striking "2019" and inserting "2015";

On page 18, in line 16, by striking "2019" and inserting "2015"; in line 27, by striking "2019" and inserting "2015"; in line 32, by striking "2019" and inserting "2015";

On page 19, in line 5, by striking "2019" and inserting "2015"; in line 25, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of"; in line 27, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of";

On page 20, in line 41, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of"; in line 43, before "\$100" by inserting "\$50, or commencing July 1, 2002, and ending July 1, 2015, a fee of"; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 232** be passed.

Also, **SB 72** be amended on page 5, by striking all in lines 37 through 43;

By striking all on pages 6 through 10;

On page 11, by striking all in lines 1 through 11; in line 12, by striking "and 79-3603 are" and inserting "is";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and sales"; in line 2, by striking "and 79-"; in line 3, by striking "3603"; also in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

SB 212 be amended on page 1, in line 17, by striking "to recycle,."; in line 18, by striking "store, transport or use" and inserting "primarily for the purpose of recycling"; also in line 18, after the period, by inserting "Produced water recycling, storage and transportation equipment shall not include any such equipment used primarily in the production of oil and natural gas."; in line 31, by striking "25%" and inserting "20%"; in line 32, by striking "\$250,000,000" and inserting "\$100,000,000"; in line 34, by striking "\$250,000,000" and inserting "\$100,000,000";

On page 3, by striking all in lines 32 through 43;

On page 4, by striking all in lines 1 through 5;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "and deductions"; in line 2, after "recycling" by inserting a comma; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2179**, as amended by House Committee, be passed.

Committee on **Ethics, Elections and Local Government** recommends **HB 2118** be amended on page 1, in line 24, by striking "an" and inserting "a"; and the bill be passed as amended.

Also, **HB 2249**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 18 through 36;

On page 2, by striking all in lines 1 through 40;

And renumbering sections accordingly;

Also on page 2, in line 41, by striking "19-3631 and K.S.A."; also in line 41, by striking "are" and inserting "is";

On page 1, in the title, in line 1, before "fire" by inserting "city annexation of"; in line 2, by striking all before the semicolon and inserting "district lands and taxation"; also in line 2, by striking "K.S.A. 19-3631 and"; in line 3, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2033** be passed.

Also, **HB 2212** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2014**, as amended by House Committee, be passed.

Also, **HB 2217**, as amended by House Committee of the Whole, be passed.

HB 2093 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2093," as follows:

"Senate Substitute for HOUSE BILL No. 2093

By Committee on Judiciary

"AN ACT concerning the Kansas consumer protection act; relating to unconscionable

acts or practices.";
and the substitute bill be passed.

HB 2015 be amended on page 1, following line 15, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 23-2704 is hereby amended to read as follows: 23-2704. (a) *Verification of petition*. The truth of the allegations of any petition under this article must be verified by the petitioner in person or by the guardian of an incapacitated person.

(b) *Captions*. All pleadings shall be captioned, "In the matter of the marriage of _____ and _____." In the caption, the name of the petitioner shall appear first and the name of the respondent shall appear second, but the respective parties shall not be designated as such.

(c) *Contents of petition*. The grounds for divorce, annulment or separate maintenance shall be alleged as nearly as possible in the general language of the statute, without detailed statement of facts. If there are minor children of the marriage, the petition shall state their names and dates of birth and shall contain, or be accompanied by an affidavit which contains, the information required by K.S.A. 2012 Supp. 23-37,209, and amendments thereto.

(d) *Bill of particulars*. The opposing party may demand a statement of the facts which shall be furnished in the form of a bill of particulars. The facts stated in the bill of particulars shall be the specific facts upon which the action shall be tried. If interrogatories have been served on or a deposition taken of the party from whom the bill of particulars is demanded, the court in its discretion may refuse to grant the demand for a bill of particulars. A copy of the bill of particulars shall be delivered to the judge. The bill of particulars shall not be filed with the clerk of the court or become a part of the record except on appeal, and then only when the issue to be reviewed relates to the facts stated in the bill of particulars. The bill of particulars shall be destroyed by the district judge unless an appeal is taken, in which case the bill of particulars shall be destroyed upon receipt of the final order from the appellate court.

(e) *Service of process*. Service of process shall be made in the manner provided in article ~~27~~ 3 of chapter ~~23~~ 60 of the Kansas Statutes Annotated, and amendments thereto.";

And by renumbering sections accordingly;

Also on page 1, in line 16, by striking "is" and inserting "and 23-2704 are";

Also on page 1, in the title, in line 1, after "property;" by inserting "dissolution of marriage; service of process;"; in line 2, after "23-2601" by inserting "and 23-2704"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2203, as amended by House Committee, be amended on page 3, in line 4, by striking "person" and inserting "adult"; and the bill be passed as amended.

HB 2204, as amended by House Committee, be amended on page 2, in line 24, by striking "who has a claim"; by striking all in line 25; in line 26, by striking "and such" and inserting "whose"; and the bill be passed as amended.

HB 2163; HB 2169 be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

HB 2205, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions and Insurance** recommends **HB 2107**, as

amended by House Committee, be amended on page 1, in line 6, before "Section" by inserting "New"; in line 9, 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 37, by striking "seven" and inserting "five";

On page 4, following line 31, by inserting:

"Sec. 5. K.S.A. 40-2,112 is hereby amended to read as follows: 40-2,112. (a) In the event of an adverse underwriting decision the insurance company, health maintenance organization or agent responsible for the decision shall either provide the applicant, policyholder or individual proposed for coverage with the specific reason or reasons for the adverse underwriting decision in writing or advise such persons that upon written request they may receive the specific reason or reasons in writing.

(b) Upon receipt of a written request within 60 business days from the date of the mailing of notice or other communication of an adverse underwriting decision to an applicant, policyholder or individual proposed for coverage, the insurance company, health maintenance organization or agent shall furnish to such person within 21 business days of the receipt of such written request:

(1) The specific reason or reasons for the adverse underwriting decision, in writing, if such information was not initially furnished in writing pursuant to subsection (a); or

(2) if specific items of medical-record information are supplied by a health care institution or health care provider it shall be disclosed either directly to the individual about whom the information relates or to a health care provider designated by the individual and licensed to provide health care with respect to the condition to which the information relates, whichever the insurance company, health maintenance organization or agent prefers; and

(3) the names and addresses of the institutional sources that supplied the specific items of information given pursuant to subsection (b)(2) if the identity of any health care provider or health care institution is disclosed either directly to the individual or to the designated health care provider, whichever the insurance company, health maintenance organization or agent prefers.

(c) The obligations imposed by this section upon an insurance company, health maintenance organization or agent may be satisfied by another insurance company, health maintenance organization or agent authorized to act on its behalf.

(d) The company, health maintenance organization or the agent, whichever is in possession of the money, shall refund to the applicant or individual proposed for coverage, the difference between the payment and the earned premium, if any, in the event of a declination of insurance coverage, termination of insurance coverage, or any other adverse underwriting decision.

(1) If coverage is in effect, such refund shall accompany the notice of the adverse underwriting decision, ~~except such refund obligation shall not apply if:~~

~~(A) Material underwriting information requested by the application for coverage is clearly misstated or omitted and the company or health maintenance organization attempts to provide coverage based on the proper underwriting information; or~~

~~(B) or such refund may separately be returned in not more than 10 days from the date of such notice. The notice shall contain language indicating that any refund due will be returned in not more than 10 days from the date on such notice. The refund requirement shall not apply to life insurance if the company or health maintenance organization includes with the notice of the adverse underwriting decision an offer of~~

coverage to an applicant for life insurance under a different policy or at an increased premium. If such a counter-offer is made by the insurer, the insured or the insured's legal representative shall have 10 business days after receipt thereof in which to notify the company or health maintenance organization of acceptance of the counter-offer, during which time coverage will be deemed to be in effect under the terms of the policy for which application has been made, but such coverage shall not extend beyond 30 calendar days following the date of issuance of the counter-offer by the insurance company or health maintenance organization. The insurance company or health maintenance organization shall promptly refund the premium upon notice of the insured's refusal to accept the counter-offer or upon expiration of such 30 calendar day period, whichever occurs first.

(2) If coverage is not in effect and payment therefor is in the possession of the company, health maintenance organization or the agent, the underwriting decision shall be made within 20 business days from receipt of the application by the agent unless the underwriting decision is dependent upon substantive information available only from an independent source. In such cases, the underwriting decision shall be made within 10 business days from receipt of the external information by the party that makes the decision. The refund shall accompany the notice of an adverse underwriting decision, or such refund may separately be returned in not more than 10 days from the date of such notice. The notice shall contain language indicating that any refund due will be returned in not more than 10 days from the date on such notice.

Sec. 6. K.S.A. 40-2,112 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "act" by inserting "; relating to adverse underwriting decisions; allowing return of premiums separate from notice; amending K.S.A. 40-2,112 and repealing the existing section"; and the bill be passed as amended.

Also, **HB 2339** be amended on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 and 3 and inserting the following:

"Section 1. K.S.A. 2012 Supp. 40-401 is hereby amended to read as follows: 40-401. Any 10 or more persons, a majority of whom are citizens of this state, may associate in accordance with the provisions of this code and form an incorporated company, upon either the stock or mutual plan, to make insurance upon the lives of persons and every insurance appertaining thereto or connected therewith and to grant, purchase or dispose of annuities, and to issue funding agreements, guaranteed investment contracts and synthetic guaranteed investment contracts. Such companies may incorporate: (a) In their policies provisions or conditions for the waiver of premiums or for the granting of an annuity to the insured, or for special surrender values or other benefits in the event the insured shall from any cause become unemployed or totally and permanently disabled; (b) in their policies provisions for acceleration of life or annuity benefits in advance of the time they would otherwise be payable subject to such reserve and other regulatory standards as the commissioner may prescribe by rules and regulations, except that any provision providing for acceleration of life or annuity benefits for persons diagnosed as having a medical condition usually requiring continuous confinement for the rest of the person's life in a nursing home or other eligible facility as defined in the policy, may also provide for acceleration of benefits upon diagnosis of such condition even if the person is not confined in a nursing home or similar facility; (c) in their policies and annuity contracts provisions or

conditions for waiver of surrender charges upon terms and conditions as specified in the policy or contract, subject to rules and regulations adopted by the commissioner of insurance; or (d) in their policies provisions for the payment of a larger sum if death is caused by accident than if it results from any other causes.

Prior to the payment of any accelerated benefit, the insurer shall receive from any assignee or irrevocable beneficiary of the policy a signed acknowledgment of concurrence for the payment. For the purposes of this section, "totally and permanently disabled" means disabled continuously for a period, such period to be specified in any such provision, of not less than 60 days nor more than one year, except this provision shall not apply to and specifically excludes group life insurance. Such company may make insurance on the health of individuals, against accidental personal injury, disablement or death and against loss, liability or expense on account thereof. Such company so transacting such health and accident insurance business, or either kind, shall maintain statutory and separate reserves for such business, shall issue such contracts only in separate policies except as otherwise permitted herein and shall make separate reports to the commissioner of insurance of the premiums received and expenses and losses incurred in connection with such business, except that such reports will not be required for accelerated benefits incorporated in a life or annuity policy. Long-term care insurance meeting the applicable requirements of K.S.A. 40-2227 and 40-2228, and amendments thereto, may be incorporated in life insurance policies and annuities if approved by the commissioner.

The business of life insurance in this state shall not be in any way conducted or transacted by any company which in this state makes insurance on marine, fire, inland or any other like risks, except that: (a) Life, health and accident insurance on the group or industrial plan may be combined in one policy, which shall show the premium charged for life insurance and the premium charged for health and accident insurance, and the insured, at the insured's option, may discontinue either and by payment of the stated premium continue the other; and (b) (1) specified disease or critical illness riders, or both, meeting the applicable requirements of K.S.A. 40-2201 et seq., and amendments thereto, and article 4 of the Kansas administrative regulations, may be incorporated in life insurance policies which shall show the premium charged for specified disease or critical illness, or both, insurance and the premium charged for life insurance; and (2) the insured, at the insured's option, may discontinue the disease or critical illness rider, or both, and continue the life insurance policy by payment of the stated premium. The amount of capital stock of a company organized on the stock plan shall be not less than \$600,000.

Companies organized on the mutual plan shall be required to have applications from at least 200 persons for insurance upon their lives, aggregating not less than \$400,000, upon which one full annual premium in cash shall have been paid. No such company shall transact any business of insurance until, if a stock company, all the capital stock named in its charter has been paid in cash including all contributions to surplus to be made by the original purchasers of such stock. The surplus shall be at least \$600,000, and at least \$400,000 in securities authorized by this code shall have been deposited with the commissioner of insurance pursuant to K.S.A. 40-229a, and amendments thereto, and if a mutual company, a guaranty fund of at least \$1,200,000, and at least \$400,000 of which shall be in securities as authorized in this code and deposited with the commissioner of insurance pursuant to K.S.A. 40-229a, and amendments thereto.

The guaranty fund may be returned to the contributors with interest at 6% per annum whenever the surplus shall equal the amount of such guaranty fund and interest, and no company shall transact any business of insurance unless it shall maintain the capital or surplus or both required of a company commencing to transact business, or, if a mutual company, the required number and amount of applications for insurance have been received and the annual premiums collected in cash. The securities deposited pursuant to this section shall be held by the commissioner of insurance in trust for the benefit and protection of the policyholders or creditors, or both, of the company depositing the same and may be withdrawn only upon order of the commissioner of insurance.

The commissioner of insurance may adopt rules and regulations to implement the provisions of this section.

Sec. 2. K.S.A. 2012 Supp. 40-401 is hereby repealed.

Sec. 3 This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 and 3 and inserting "life insurance; providing for certain additional riders on life insurance policies; amending K.S.A. 2012 Supp. 40-401 and repealing the existing section."; and the bill be passed as amended.

HB 2099, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2312 be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Public Health and Welfare** recommends **HB 2154** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2154," as follows:

"Senate Substitute for HOUSE BILL No. 2154

By Committee on Public Health and Welfare

"AN ACT concerning cosmetology; relating to licensure and renewal of persons, salons and clinics; amending K.S.A. 65-1904a and K.S.A. 2012 Supp. 65-1904b, 65-1905, 65-1943, 65-1945 and 65-1950 and repealing the existing sections.";

and the substitute bill be passed.

Committee on **Transportation** recommends **HB 2318**, as amended by House Committee, be amended on page 1, in line 14, after "headlamp" by inserting a comma; also in line 14, after "section" by inserting a comma; and the bill be passed as amended.

Also, **HB 2357** be amended on page 1, in line 6, by striking "northeastern"; also in line 6, by striking "limits"; in line 9, by striking "memorial"; in line 12, by striking "memorial";

On page 1, in the title, in line 2, by striking "memorial"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2139**, as amended by House Committee of the Whole, be passed.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

Recommended: **HB 2030** be passed.

Sub HB 2183 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Francisco to amend **Sub HB 2183** failed and the following amendment was rejected: on page 2, following line 36, by inserting:

"(d) Nothing in this section shall be construed to authorize the isolation or quarantine of any person afflicted with or exposed to acquired immune deficiency syndrome or any causative agent thereof, because such disease is subject to the provisions of K.S.A. 65-6001 et seq., and amendments thereto."

HB 2319 be amended by the adoption of the committee amendments, and the bill be passed as amended.

An amendment was offered by Senator Denning. A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment not germane.

HB 2078 be amended by the adoption of the committee amendments, be further amended by motion of Senator Emler, on page 1, following line 5, by inserting:

"New Section 1. (a) For the purposes of this section:

(1) "Applicant" means a person who entered into military service and separated from such military service with an honorable discharge or a general discharge under honorable conditions;

(2) "licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto; and

(3) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States.

(b) (1) Notwithstanding any other provision of law, upon presentation of complete application by an applicant with an honorable discharge for certification or licensure, a licensing body shall accept education, training or service completed in military service by the applicant towards any educational requirements for certification or licensure in this state if the applicant demonstrates to the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency.

(2) A licensing board under this section may accept education, training or service completed in military service towards any educational requirements for certification or licensure in this state if a person applicant was separated from military service with a general discharge under honorable conditions.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 2. K.S.A. 2012 Supp. 48-3406 is hereby amended to read as follows: 48-3406.

(a) For the purposes of this section:

(1) "Licensing body" has the meaning ascribed thereto in K.S.A. 74-146, and amendments thereto;

(2) "military service" means the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States;

(3) "military service member" means a member who entered into military service and separated from such military service with an honorable discharge or a general discharge under honorable conditions; and

(4) "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.

(b) Notwithstanding any other provision of law, any licensing body, as defined by K.S.A. 74-146, and amendments thereto, shall:

(1) Upon submission of a complete application, issue a license to a nonresident military spouse, so that the nonresident military spouse may lawfully practice the person's occupation; and

(2) upon submission of a complete application within six months following release from military service, issue a license to a military service member with an honorable discharge so that the military service member may lawfully practice the person's occupation.

~~(b)~~ (c) A military service member with an honorable discharge or nonresident military spouse shall receive a license under subsection ~~(a)~~(b) of this section:

(1) Pursuant to applicable licensure by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the profession license; or

(2) if the professional practice act does not have licensure by endorsement, reinstatement or reciprocity statutes, then, at the time of application, the military service member or nonresident military spouse:

(A) Holds a current license in another state, district or territory of the United States with licensure requirements that the licensing body determines are equivalent to those established by the licensing body of this state;

(B) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure denied or refused to practice an occupation for which the military service member or nonresident military spouse seeks licensure;

(C) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or licensing jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in a Kansas practice act;

(D) pays any fees required by the licensing body of this state; and

(E) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate. Upon receiving such affidavit, the licensing body shall issue the license to the military service

member or the nonresident military spouse on a probationary basis, but may revoke the license at any time if the information provided in the application is found to be false. Any probationary license issued under this section to a military service member or nonresident military spouse shall not exceed three months.

~~(e)~~ (d) Any person who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license may be required to complete such additional testing, training, mentoring, monitoring or education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice with reasonable skill and safety.

~~(f)~~ (e) A nonresident military spouse licensed under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of a nonresident military spouse's license in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held licensure shall automatically cause the same revocation or suspension of such nonresident military spouse's license in Kansas. No hearing shall be granted to a nonresident licensee where the license is subject to such automatic revocation or suspension except for the purpose of establishing the fact of revocation or suspension of the nonresident military spouse's license by the nonresident military spouse's state of residence.

~~(g)~~ For the purposes of this section, "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.

(f) In the event the licensing body determines that the license currently held by the military service member under subsection (c)(2)(A) is not equivalent to those issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the military service member to lawfully practice the person's occupation while completing any specific requirements that are required in this state for licensure that were not required in the state, district or territory of the United States in which the military service member was licensed or certified.

(g) A licensing board may grant certification, licensure or a temporary permit to any person who meets the requirements under this section but was separated from such military service with a general discharge under honorable conditions.

(h) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

~~(i)~~ (i) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A 7-103, and amendments thereto.";

On page 5, in line 5, following "Supp." by inserting "48-3406,";

And by redesignating sections accordingly;

On page 1, in the title, in line 2, following "Supp." by inserting "48-3406," and **HB 2078** be passed as further amended.

The committee report on **HB 2143** recommending a **S Sub for HB 2143** be adopted, and be further amended by Senator Masterson: on page 25, in line 1, by subtracting \$450 from the dollar amount and by adjusting the dollar amount in line 1 accordingly;

On page 205, in line 28, by adding \$301,600 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 215, in line 24, by adding \$1,748 to the dollar amount and by adjusting the dollar amount in line 24 accordingly;

On page 270, in line 27, by adding \$2,996 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 32, by adding \$2,996 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

On page 304, in line 22, by adding \$21,910 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 305, in line 5, by adding \$29,044 to the dollar amount and by adjusting the dollar amount in line 5 accordingly;

On page 412, in line 2, by adding 12.00 to the amount and by adjusting the amount in line 2 accordingly;

On page 428, in line 28, by subtracting \$65,000 from the dollar amount and by adjusting the dollar amount in line 28 accordingly; following line 28, by inserting:

"Hollenberg Station exterior siding preservation.....	\$35,000
Mine Creek exterior cleaning.....	\$30,000"

The amendment was adopted.

S Sub for HB 2143 be further amended by motion of Senator Denning: on page 151, in line 7, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 33, by adding \$2,500,000 to the dollar amount and by adjusting the dollar amount in line 33 accordingly;

On page 499, in line 37, following the period, by inserting: "On and after July 1, 2013, through June 30, 2014, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Eight percent to the special county mineral production tax fund created under subsection (c); and (2) the remainder shall be credited to the state general fund."; in line 38, by striking "2013" and inserting "2014"

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

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Bruce, Denning, Donovan, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, LaTurner, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Bowers, Emler, Holmes, Knox, Love, McGinn, Ostmeyer, Powell.

The amendment was adopted.

S Sub for HB 2143 be further amended by motion of Senator Kelly, on page 53, in line 1, by subtracting \$25,000 from the dollar amount and by adjusting the dollar amount in line 1 accordingly; following line 3, by inserting:

"(e) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000 from the Kansas endowment for youth fund to the sexually violent predator expense fund of the attorney general.";

And by relettering the remaining subsection accordingly;

On page 56, in line 26, by subtracting \$25,000 from the dollar amount and by adjusting the dollar amount in line 26 accordingly; following line 28, by inserting:

"(e) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000 from the Kansas endowment for youth fund to the sexually violent predator expense fund of the attorney general.";

And by relettering the remaining subsections accordingly.

The amendment was adopted.

S Sub for HB 2143 be further amended by motion of Senator Wolf: on page 233, following line 12, by inserting the following: "(k) On July 1, 2013, the director of accounts and reports shall transfer \$6,000,000 from the Kansas reads to succeed account and \$1,000,000 from the Kansas reads to succeed incentive account of the children's initiative fund of the Kansas department for children and families to the early childhood block grant account of the children's initiative fund of the Kansas department for children and families, if 2013 Senate Bill No. 169, or any other legislation which creates the Kansas reads to succeed act is not passed by the legislature during the 2013 regular session and enacted into law."

The amendment was adopted.

S Sub for HB 2143 be further amended by motion of Senator Pyle: on page 414, following line 16, by inserting the following:

"Sec. 195. No state agency named in this or any other appropriation act of the 2013 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2013, 2014 and 2015, for the purpose of expanding eligibility for receipt of benefits under title XIX of the social security act, commonly known as medicaid, as provided for in the patient protection and affordable care act unless the legislature expressly consents to the expansion of medicaid services.";

And by renumbering the remaining sections accordingly

The amendment was adopted and **S Sub for HB 2143** be passed as further amended.

A motion by Senator Powell to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 205, in line 27, before the period by inserting the following: ": *Provided further*, That the secretary for aging and disability services shall expend not less than \$3,000,000 in the mental health and retardation services aid and assistance account of the above agency for the purpose of providing services of the home and community based services of the I/DD waiver for individuals who are currently on a waiting list and are not receiving any services of the I/DD waiver".

A motion by Senator McGinn to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 152, in line 31, by adding \$275,000 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 36, by subtracting \$275,000 from the dollar amount and by adjusting the dollar amount in line 36 accordingly;

On page 158, in line 24, by adding \$275,000 to the dollar amount and by adjusting the dollar amount in line 24 accordingly; in line 32, by subtracting \$275,000 from the dollar amount and by adjusting the dollar amount in line 32 accordingly

A motion by Senator Francisco to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 81, in line 31, by adding \$5,706,052 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;

On page 83, in line 32, by adding \$5,497,318 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;

On page 187, in line 42, by subtracting \$33,000,000 from the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 190, by striking lines 3 through 11; in line 25, by subtracting \$33,000,000 from the dollar amount and by adjusting the dollar amount in line 25 accordingly;

- On page 192, by striking lines 17 through 25;
- On page 207, in line 22, by adding \$5,000,000 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;
- On page 218, in line 28, by adding \$10,000,000 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;
- On page 220, in line 26, by adding \$5,000,000 to the dollar amount and by adjusting the dollar amount in line 26 accordingly;
- On page 259, in line 17, by adding \$669,092 to the dollar amount and by adjusting the dollar amount in line 17 accordingly;
- On page 264, in line 18, by adding \$2,064,358 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;
- On page 270, in line 27, by adding \$363,927 to the dollar amount and by adjusting the dollar amount in line 27 accordingly; in line 32, by adding \$595,668 to the dollar amount and by adjusting the dollar amount in line 32 accordingly;
- On page 274, in line 24, by adding \$299,665 to the dollar amount and by adjusting the dollar amount in line 24 accordingly;
- On page 277, in line 29, by adding \$624,016 to the dollar amount and by adjusting the dollar amount in line 29 accordingly;
- On page 281, in line 31, by adding \$700,426 to the dollar amount and by adjusting the dollar amount in line 31 accordingly;
- On page 286, in line 8, by adding \$2,740,920 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;
- On page 291, in line 3, by adding \$2,124,052 to the dollar amount and by adjusting the dollar amount in line 3 accordingly;
- On page 296, in line 8, by adding \$1,405,492 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;
- On page 302, in line 7, by adding \$81,156 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 43, by adding \$1,900 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;
- On page 303, in line 1, by adding \$21,318 to the dollar amount and by adjusting the dollar amount in line 1 accordingly; in line 12, by adding \$315,166 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 16, by adding \$5,930 to the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 20, by adding \$9,936 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 31, by adding \$3,506 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 35, by adding \$9,406 to the dollar amount and by adjusting the dollar amount in line 35 accordingly; in line 43, by adding \$36,926 to the dollar amount and by adjusting the dollar amount in line 43 accordingly;
- On page 304, in line 4, by adding \$17,418 to the dollar amount and by adjusting the dollar amount in line 4 accordingly; in line 8, by adding \$2,282 to the dollar amount and by adjusting the dollar amount in line 8 accordingly; in line 12, by adding \$8,346 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 16, by adding \$2,142 to the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 20, by adding \$226,264 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 21, by adding \$10,154 to the dollar amount and by adjusting the dollar amount in line 21 accordingly; in line 22, by adding \$1,179,093 to the dollar amount and by adjusting the dollar amount in line 22

accordingly;

On page 305, in line 5, by adding \$1,562,983 to the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 16, by adding \$1,694 to the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 17, by adding \$3,762 to the dollar amount and by adjusting the dollar amount in line 17 accordingly; in line 24, by adding \$1,522 to the dollar amount and by adjusting the dollar amount in line 24 accordingly;

On page 309, in line 40, by adding \$50,954 to the dollar amount and by adjusting the dollar amount in line 40 accordingly;

On page 310, in line 5, by adding \$3,586 to the dollar amount and by adjusting the dollar amount in line 5 accordingly; in line 9, by adding \$19,866 to the dollar amount and by adjusting the dollar amount in line 9 accordingly; in line 10, by adding \$10,000 to the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 318, in line 28, by adding \$500,000 to the dollar amount and by adjusting the dollar amount in line 28 accordingly;

On page 319, in line 20, by adding \$2,199,800 to the dollar amount and by adjusting the dollar amount in line 20 accordingly;

On page 326, in line 7, by adding \$500,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 40, by adding \$2,199,800 to the dollar amount and by adjusting the dollar amount in line 40 accordingly

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

On roll call, the vote was: Yeas 8; Nays 32; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The amendment failed.

Senator LaTurner offered an amendment on **S Sub for HB 2143** on page 238, in line 33, by subtracting \$17,040,336 from the dollar amount and by adjusting the dollar amount in line 33 accordingly; in line 37, by adding \$17,040,336 to the dollar amount and by adjusting the dollar amount in line 37 accordingly;

On page 482, after line 14, by inserting the following:

"Sec. 250. On July 1, 2013, K.S.A. 2012 Supp. 72-6415b is hereby amended to read as follows: 72-6415b. (a) School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget in an amount equal to at least 25% of the amount of the state financial aid determined for the district in the current school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(b) The provisions of this section shall not apply to any school district for school years 2013-2014 and 2014-2015.

Sec. 251. On July 1, 2013, K.S.A. 2012 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to

exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that: (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2012 Supp. 72-6415b, and amendments thereto, if any; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall: (1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year; (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under

authority of this subsection; (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection; and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.";

And by renumbering remaining sections accordingly;

On page 502, in line 29, following "55-193," by inserting "72-6415b, 72-6441,";

On page 1, in the title, in line 8, following "2010," by inserting "72-6415b, 72-6441,"

A ruling of the chair was requested as to the germaneness of the amendment to the bill. The Chair of the Rules Committee ruled the amendment was germane to the bill.

Two motions offered by Senator McGinn were ruled not-in-order according to Joint Rule 6.

The following amendment by Senator McGinn on **S Sub for HB 2143** failed and was rejected: on page 36, in line 10, by subtracting \$3,773,280 from the dollar amount and by adjusting the dollar amount in line 10 accordingly;

On page 37, in line 19, before the period, by inserting ": *And provided further*, That notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto, or any other statute, no expenditures shall be made from this account for the purposes of paying the members of the legislature compensation for more than 30 days in the 2014 regular session";

On page 38, in line 25, after the colon by inserting "*Provided, however*, that such interim committee days shall not exceed 60 days in the aggregate:";

On page 207, in line 22, by adding \$3,773,280 to the dollar amount and by adjusting the dollar amount in line 22 accordingly

A motion by Senator LaTurner to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 238, in line 33, by subtracting \$22,568,591 from the dollar amount and by adjusting the dollar amount in line 33 accordingly; in line 37, by adding \$22,568,591 to the dollar amount and by adjusting the dollar amount in line 37 accordingly;

On page 482, after line 14, by inserting the following:

"Sec. 250. On July 1, 2013, K.S.A. 2012 Supp. 72-3715 is hereby amended to read as follows: 72-3715. (a) In order to be included in the full-time equivalent enrollment of a virtual school, a pupil shall be in attendance at the virtual school on: (1) A single school day on or before September 19 of each school year; and (2) on a single school day on or after September 20, but before October 4 of each school year.

(b) A school district which offers a virtual school shall determine the full-time equivalent enrollment of each pupil enrolled in the virtual school on September 20 of

each school year as follows:

(1) Determine the number of hours the pupil was in attendance on a single school day on or before September 19 of each school year;

(2) determine the number of hours the pupil was in attendance on a single school day on or after September 20, but before October 4 of each school year;

(3) add the numbers obtained under paragraphs (1) and (2);

(4) divide the sum obtained under paragraph (3) by 12. The quotient is the full-time equivalent enrollment of the pupil.

(c) The school days on which a district determines the full-time equivalent enrollment of a pupil under paragraphs (1) and (2) of subsection (b) shall be the school days on which the pupil has the highest number of hours of attendance at the virtual school. No more than six hours of attendance may be counted in a single school day. Attendance may be shown by a pupil's on-line activity or entries in the pupil's virtual school journal or log of activities.

(d) (1) Subject to the availability of appropriations for virtual school state aid and within the limits of any such appropriations, each school year a school district which offers a virtual school shall be entitled to virtual school state aid.

(2) The state board of education shall determine the amount of virtual school state aid a school district is entitled to receive as follows:

(A) Multiply the full-time equivalent enrollment of the virtual school by an amount equal to 105% of the amount of base state aid per pupil;

(B) multiply the full-time equivalent enrollment of nonproficient at-risk pupils enrolled in an approved at-risk program offered by the virtual school, if any, by an amount equal to 25% of the amount of base state aid per pupil;

(C) add any amount determined under K.S.A. 2012 Supp. 72-3716, and amendments thereto; and

(D) add the amounts obtained under subparagraphs (A) through (C). The sum is the amount of the virtual school state aid to which the school district is entitled.

(3) There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. Moneys received as virtual school state aid shall be deposited in the general fund of the school district and transferred to the virtual school fund of the district. The expenses of a district directly attributable to virtual schools offered by a school district shall be paid from the virtual school fund. The cost of an advance placement course provided to a pupil described in subsection (d)(2)(D) shall be paid by the virtual school.

Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

Any unencumbered balance of moneys remaining in the virtual school fund of a school district on June 30, 2012, may be expended in the school year that immediately succeeds such date by the school district for general operating expenses of the school district as approved by the board of education.

In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district.

Interest earned on the investment of moneys in any such fund shall be credited to that fund.

(e) For the purposes of this section, a pupil enrolled in a virtual school who is not a resident of the state of Kansas shall not be counted in the full-time equivalent enrollment of the virtual school.

(f) The provisions of this section shall not apply to any school district for school years 2013-2014 and 2014-2015.

Sec. 251. On July 1, 2013, K.S.A. 2012 Supp. 72-3716 is hereby amended to read as follows: 72-3716. (a) As used in this section:

(1) "Pupil" means a pupil who is a resident of and enrolled, on a full-time basis, in a school district.

(2) "School district" means a school district which does not offer advanced placement courses and which is either more than 200 square miles in area or has an enrollment of at least 260 pupils and does not offer advance placement courses.

(b) If a pupil is enrolled in at least one advanced placement course provided by a virtual school, the school district offering the virtual school shall be paid an amount equal to 8% of the amount of base state aid per pupil for such pupil as additional virtual school state aid. Such state aid shall be paid in each semester in which a pupil is enrolled in at least one advanced placement course provided by a virtual school.

(c) The provisions of this section shall not apply to any school district for school years 2013-2014 and 2014-2015.";

And by renumbering the remaining sections accordingly;

On page 502, in line 29, following "55-193," by inserting "72-3715, 72-3716,";

On page 1, in the title, in line 8, following "2010," by inserting "72-3715, 72-3716,"

A motion by Senator Emler to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 451, by striking all in lines 13 through 40;

On page 452, by striking all in lines 7 through 22;

On page 454, following line 24, by inserting the following:

"(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State of Kansas lab fund.....No limit
Provided, Except as provided further, that all expenditures from the state of Kansas lab fund shall only be used for the purposes of paying expenses of the adjutant general incurred in preparation and execution of the agreement authorized by this proviso: *Provided further*; That the adjutant general shall meet with the secretary of agriculture, the director of the Kansas bureau of investigation and the secretary of health and environment to establish and implement a design and locate a site for a laboratory in a secure location that can be used by the Kansas department of agriculture, the Kansas bureau of investigation and the department of health and environment for such agencies' laboratory purposes: *And provided further*; That the adjutant general is authorized to enter into an agreement for the design, construction, and equipment for such laboratory and parking and other related premises.

(c) On July 1, 2013, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,500,000 from the state highway fund

of the department of transportation to the state of Kansas lab fund of the adjutant general."

Also on page 454, following line 37, by inserting the following:

"(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State of Kansas lab fund.....No limit
Provided, Except as provided further, that all expenditures from the state of Kansas lab fund shall only be used for the purposes of paying expenses of the adjutant general incurred in preparation and execution of the agreement authorized by this proviso: *Provided further*, That the adjutant general shall meet with the secretary of agriculture, the director of the Kansas bureau of investigation and the secretary of health and environment to establish and implement a design and locate a site for a laboratory in a secure location that can be used by the Kansas department of agriculture, the Kansas bureau of investigation and the department of health and environment for such agencies' laboratory purposes: *And provided further*, That the adjutant general is authorized to enter into an agreement for the design, construction, and equipment for such laboratory and parking and other related premises."

A motion by Senator McGinn to amend **S Sub for HB 2143** failed and the following amendment was rejected: on page 233, following line 12, by inserting the following:

"(k) On July 1, 2013, the director of accounts and reports shall transfer \$4,629,484 from the Kansas reads to succeed account of the children's initiative fund of the Kansas department for children and families to the mental health and retardation services aid and assistance account of the state general fund of the Kansas department for aging and disability services, if 2013 Senate Bill No. 169, or any other legislation which creates the Kansas reads to succeed act is not passed by the legislature during the 2013 regular session and enacted into law.";

On page 237, following line 35, by inserting the following:

"(k) On July 1, 2014, the director of accounts and reports shall transfer \$4,629,484 from the Kansas reads to succeed account of the children's initiative fund of the Kansas department for children and families to the mental health and retardation services aid and assistance account of the state general fund of the Kansas department for aging and disability services, if 2013 Senate Bill No. 169, or any other legislation which creates the Kansas reads to succeed act is not passed by the legislature during the 2013 regular session and enacted into law."

Two motions by Senator McGinn to amend **S Sub for HB 2143** were withdrawn.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2231**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Thursday, March 21, 2013.

Journal of the Senate

FORTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 21, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Guest Chaplain Reverend Kent L. Ottott:

Heavenly Father, At this moment, I lift up the men and women assembled here to conduct business on behalf of the people of the State of Kansas. Give them wisdom and insight as they perform the job they have been chosen for.

The Psalmist wrote that You are the eternal provider of counsel and blessing for a nation and state in need: "The counsel of the LORD stands forever... The plans of His heart from generation to generation. Blessed is the nation whose God is the Lord, the people whom He has chosen for His own inheritance." Psalms 33:11-12 (NASB)

The tasks before this body of officials are many. Give them the wisdom only You can provide as You did for Solomon. Give them the sureness in their decisions they will need, as the media, the pundits and even the electorate watches over them. Give them the peace of mind as they choose to do what is right instead of what is popular. Give them the compassion needed to protect the Kansans who cannot defend themselves whether they are waiting to draw their first breath, or living through a childhood encompassed with difficulties, or are near the end of their final breath. Give them the determination to "bear the sword" of Romans 13 when called upon to protect the innocent and punish the guilty.

As this time of business begins, let them reason and debate in such a way that brings honor upon our republic. Let them lay aside the trials they face as individuals and let their focus be on their duties. Be with those who are facing problems known by all and be with those who have not let their needs be publicly known. Strengthen their families and relationships as their attention has been focused greatly upon this body.

I ask for your blessing upon the members of the Kansas Senate. I ask for your blessing upon the people they represent. I ask for your blessing upon the great State of Kansas. All of these things I ask in the name of Your Risen Son, Jesus Christ! Amen!

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

Senator Kelly introduced students who have recently earned their Eagle Scout award: Jesse Bargas, Ethan Schultz, Mike Devoe, and Alex Lee who were accompanied by members of their families. Senators honored them with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 241, AN ACT concerning the oil and gas valuation depletion trust fund; relating to the amount credited to and use of such fund; amending K.S.A. 2012 Supp. 19-271, 79-4227 and 79-4231 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:

Commerce: **HB 2086**.

Federal and State Affairs: **HB 2037**.

Public Health and Welfare: **HB 2253**.

Ways and Means: **Sub HB 2231**.

CHANGE OF REFERENCE

The President withdrew **HB 2077** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

The President withdrew the appointment of Nan Porter, Crime Victims Compensation Board, from the Committee on **Judiciary** and referred to the Committee on **Federal and State Affairs**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2047**.

Announcing passage of **SB 28**, **SB 216**.

Also, passage of **SB 83**, as amended by **H Sub for SB 83**, **SB 84** as amended by **H Sub for SB 84**.

The House nonconcurrs in Senate amendments to **HB 2059**, requests a conference and has appointed Representatives Carlson, Schwab and Sawyer as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2047 was thereupon introduced and read by title.

CONSENT CALENDAR

An objection having been made to **HB 2099**, **HB 2106**, and **HB 2312** appearing on the Consent Calendar, the President directed the bills be removed and placed on the calendar under the heading of General Orders.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Bowers, Ostmeyer and Pyle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1738—

A RESOLUTION congratulating the U.S. 36 Highway
Association on its 100th anniversary.

WHEREAS, March 21 marks the 100th anniversary of the U.S. 36 Highway Association; and

WHEREAS, U.S. 36 Highway Association is an organization of over 500 members in cities along the U.S. 36 corridor. This organization seeks general improvement of the highway, promotion of the economic well-being of the communities and enterprises along its route; and

WHEREAS, U.S. 36 Highway Association's vision for the highway is for a four-lane freeway or expressway from Indianapolis, Indiana to Belleville, Kansas; a high-standard two-lane highway west through Kansas and Colorado to Denver; and a freeway or expressway to Boulder and Estes Park; and

WHEREAS, U.S. 36 Highway stretches all across the northern part of the State of Kansas passing through Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown and Doniphan counties; and

WHEREAS, In 2006, the Annual Treasure Hunt for Phillipsburg was launched with a mission to increase tourism, use of the highway and commerce benefiting all 13 counties that U.S. 36 Highway passes through. This event is promoted state-wide; and

WHEREAS, In promotion of better roads, the Association has as its prime objectives the advancement of business, agriculture, tourism and commercial interests of cities and counties along U.S. 36. Because of its Midway U.S.A. location, U.S. 36 can provide one of the nation's finest highways and become the central point of progress for our communities; and

WHEREAS, The U.S. 36 Highway Association has a strong history in Kansas due to its members' hard work to promote the history and well-being of this highway, and its success should be celebrated throughout the state: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the U.S. 36 Highway Association on its 100th anniversary. We appreciate the great work its members do for the promotion of the highway itself and the cities along the highway; and

Be it further resolved: That the Secretary of the Senate be directed to provide 15 copies of this resolution to Senator Bowers.

On emergency motion of Senator Bowers **SR 1738** was adopted unanimously.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2030, AN ACT concerning hunting, relating to deer permits; amending K.S.A. 2012 Supp. 32-971 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2078, AN ACT concerning certain licensing boards; relating to licensure and military service members; amending K.S.A. 2012 Supp. 48-3406, 65-1116 and 65-6129 and repealing the existing sections, was considered on final action.

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

Voting 0.

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

The bill passed, as amended.

S Sub for HB 2143, AN ACT making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 66-2010, 72-8814, 74-50,107, 74-99b34, 75-2319, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 24; Nays 16; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, Knox, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, LaTurner, Love, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I have served in our esteemed body for seven years and have not, until this day, had the opportunity to vote on a budget that reflects sound fiscal principals with an emphasis on job growth and innovation. Kansas is on the right track to creating a robust economy and continued high quality of life. — JULIA LYNN

Madam President: With state general fund spending reduced from last year along with the amendment, I offered, giving those accountable to the voters and not career bureaucrats more control over mandated Federal Funds, this budget is one I can support. I don't like the extension of the sales tax and I opposed it. However, if the overall goal is a Kansas state government that spends less of our precious tax dollars, provides services more efficiently and gives the public more control via those they elect, this year's budget is an acceptable start.—DENNIS PYLE

Madam President: I vote no on **S Sub for HB 2143**. I proudly represent a district that is home to Wichita State University. This budget cuts more than \$3 million from this college, including an aviation training program. This budget also cuts funding to services that impact children and families. It cuts \$5 million in mental health reform grants that had been used by children and families who are not eligible for Medicaid. Finally, this budget is premised on reducing itemized deductions that I know many of my constituents rely on. These reductions result in a tax increase on people who are already struggling. I also cannot support a budget that cuts funding to services or further increases the burden on the hardworking Kansans in the district that I am so proud to

serve. That is exactly what this budget does. So, I vote no. I vote no on **S Sub for HB 2143**. — OLETHA FAUST-GOUDEAU

Senators Francisco and McGinn request the record to show they concur with the "Explanation of Vote" offered by Senator Faust-Goudeau.

Madam President: I vote "No" on **S Sub for HB 2143**. It is unfortunate that we started the budget process with lowered revenue projections based not on reductions in economic activity, but on changes to tax policy adopted by the legislature last year. The budget does not adequately address important state responsibilities and investments: public education, the arts, our state workers and our state water plan. The legislature rejected the amendment I offered that recognizes the real opportunity the state would have with the expansion of Medicaid with a 100% federal match. Such expansion would provide benefits to Kansans, the Kansas economy, and our hospitals. Monies allocated to disproportional share hospital (DSH) funding, if not needed, especially in FY 2015, could have been redirected to restore cuts made to community mental health centers, corrections, the courts, higher education and other truly necessary state spending.—MARCI FRANCISCO

Madam President: I would like to thank the Chair and members of the Senate Ways and Means Committee for their hard work on our budget. I vote no on **S Sub for HB 2143**. I do this for the unmet needs of the students, the faculty and staff of Kansas Regents universities. The 2% cut across the board to higher education results in a total loss of more than \$20 million. This will only force Regents schools to increase tuition. College students and their parents will carry the burden of the income tax cuts. Additionally, as part of these 2% cuts, \$1.2 million is eliminated from post-secondary tiered technical state aid. This undermines the statute that we passed to fund technical education programs. I also vote no for the hardworking Kansas families and the state employees of Kansas. This budget relies on the permanent increase of sales tax, or \$1.5 billion in increases over five years. It also neglects to provide state employees with any pay adjustment. We fail to make our commitment to the legislative work of the Joint State Employee Pay Committee and to the "market adjustments" needed for the final and fifth year. Once again, average Kansas taxpayers carry the burden of the income tax cuts when they are already struggling to make ends meet. For these unmet needs in **S Sub for HB 2143**, I vote no. — TOM HAWK

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hawk on **S Sub for HB 2143**.

Madam President: There are more than a dozen reasons why I vote no on **S Sub for HB 2143**, but I'll elaborate on three. First, I vote no for the state employees of Kansas. We failed to keep our promise by not funding the 5th year of the under market pay plan. The "Pay-go" rule prevented the \$8.5 million appropriation needed to improve the pay for many of our lowest paid state employees. Second, I vote no for average Kansas homeowners. Again, we failed to keep our word to provide property tax relief. An increase in property taxes is an inevitable result of the reckless income tax cuts. This budget eliminates \$27 million for the Local Ad Valorem Tax Reduction Fund, preventing local governments from providing some property tax relief to hardworking Kansans. Finally, I vote no because it is our responsibility to follow the laws we put into place. The transfer of \$37.5 million of ELARF money to pay for the employer contribution to the school KPERS system I believe is in direct violation of the statute

that outlines how ELARF money can be distributed. This statute specifically states that ELARF funding can only be applied to reduce the KPERS unfunded actuarial liability.

— ANTHONY HENSLEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub for HB 2143**.

Madam President: This budget fails miserably in its responsibility to provide adequate investments in Kansas' economic infrastructure. Ironically, the bill is still far too expensive to transition the state into a fiscally responsible posture for supporting Governor Brownback's out year income tax rate reductions as outlined in **HB 2059**. The Governor's "glide path to zero" is merely a fiscal mirage, Madam President. What we are left with at the end of the day is instead a budgetary crash and burn that only tears down ladders of opportunity for Kansas citizens and businesses. I vote "No" on **S Sub for HB 2143**.—TOM HOLLAND

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Holland.

Madam President: There are many reasons I am unable to support **S Sub for HB 2143**. Current law requires that we fund K-12 Education base state aid per pupil at \$4,492. The current budget before us fails to adequately fund schools and address our constitutional duty in Article 6 of our Constitution.

This budget violates state law by using Expanded Lottery Act Revenues to pay for the employer contribution to the KPERS pension which is not an authorized use of the funds. Instead, this money should be used to fund the transfer to the Local Ad Valorem Tax Reduction Fund to provide needed property tax relief for hard working Kansas homeowners.

Furthermore, this budget provides no funding for community corrections programs which are used to reduce recidivism. The Justice Reinvestment in Kansas plan talks about reducing bed space by keeping parole violators from going back into the system with the support of improved community services. This cannot happen without increased funding.

For those reasons and many others, Madam President, I vote NO on **S Sub for HB 2143**. — PAT PETTEY

Senators Francisco and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Pettey on **S Sub for HB 2143**.

Sub HB 2183, AN ACT concerning the designation and control of infectious and contagious diseases; amending K.S.A. 65-116a and 65-128 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-129a, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I appreciate the work that legislators and KDHE have put into this bill, **Sub HB 2183**, and I support many parts of the bill intended to update our state's infectious disease policy. As other speakers have said, this bill would not discriminate, in the sense that it would subject all individuals with the infectious diseases listed to the same government quarantine power. However, in not making a distinction between different kinds of pathogens with different levels of infectiousness, this bill gives the government the excessive power to quarantine a group of Kansans that it has not had or needed for 30 years. I cannot support this bill. I hope that in the future, we will act to reign in this expansion of the government's quarantine power, so that individuals living with HIV/AIDS in the state of Kansas can once again have security from government overreach. — CAROLYN MCGINN

Senators Francisco, Hawk, Kelly, Pettey and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **Sub HB 2183**.

Madam President: I vote "Aye" on **Sub HB 2183**. Anybody who has truly known David Haley for any length of time will tell you that I believe truly in liberty and justice for all people; regardless of race, religion, gender, sexual orientation, culture or social status. Every Kansan, Every AMERICAN should be held to consistent laws and any special emphasis (or "carve out") which deviates from that consistency only diminishes the continuity of any law and only diminishes the strength of all remaining laws. There has been no showing, EVER in Kansas, that any individual or group with H.I.V. has been quarantined or even requested to be quarantined by a Kansas health official. Equal protection under all laws to me means all laws should apply equally to all people. Understandably, the Kansas House of Representatives supported this same bill this month; 122-1. Further, Madam President, I am pleased to see this measure dedicated to Chy J. Miller, a long time advocate on this issue from Rice County who passed earlier this year at an early age, and whose name has now been forever affixed to this measure by State Representative Marshall Christmann.—DAVID HALEY

Senator Francisco requests the record show she concurs with the "Explanation of Vote" offered by Senator Haley on **Sub HB 2183**.

HB 2319, AN ACT creating the coalition of innovative districts act, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

The bill passed, as amended.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **H Sub for SB 83** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **H Sub for SB 84** and requested a conference committee be appointed.

The President appointed Senators Donovan, Tyson and Holland as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2059**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2135** be passed.

Committee on **Commerce** recommends **HB 2125, HB 2272** be passed.

Also, **HB 2122**, as amended by House Committee, be passed.

HB 2150 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2150," as follows:

"Senate Substitute for HOUSE BILL No. 2150

By Committee on Commerce

"AN ACT concerning the Kansas employment first oversight commission; amending K.S.A. 2012 Supp. 44-1138 and repealing the existing section."; and the substitute bill be passed.

Substitute for HB 2024 be amended on page 1, in line 4, by striking "Sec. 1" and inserting "Section 1"; in line 8, after "who" by inserting "in the ordinary course of business";

On page 7, in line 5, after "of" by inserting "commercial,;"; by striking all in lines 28 through 31 and inserting "(8) any person who engages in providing roofing services that on each and every undertaking or project during any fiscal year bear an aggregate price, including labor, materials and all other items, that is quoted, bid, offered, agreed, contracted, billed, collected and paid at less than \$1,000. This exemption does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that the person is a roofing contractor or that the person is qualified to engage in the business of a roofing contractor."; and the bill be passed as amended.

HB 2069, as amended by House Committee, be amended on page 1, following line 17, by inserting:

"Sec. 2. No city, county or local government unit shall enact or administer any ordinance, resolution or law that requires, nor shall any city, county or local government discriminate against, favor, prefer or base any ordinance law, policy, economic development program, agreement, grant or incentive on, an employer agreeing or not agreeing to provide the benefits set forth in section 1, and amendments thereto, on any construction, infrastructure, or real estate development project.";

Also on page 1, in line 19, following "section 1" by inserting "or 2"; in line 22, following "section 1" by inserting "or 2";

And by renumbering sections accordingly;

And the bill be passed as amended.

Committee on **Education** recommends **HB 2156** be passed.

Also, **HB 2261**, as amended by House Committee, be amended on page 9, in line 28, after "72-8202b" by inserting ", and amendments thereto,"; in line 31, after "thereto" by inserting ", and to the state board of education on or before June 30 of such year"; and the bill be passed as amended.

Committee on **Ethics, Elections and Local Government** recommends **HB 2141** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2141," as follows:

"Senate Substitute for HOUSE BILL No. 2141

By Committee on Ethics, Elections and Local Government

"AN ACT concerning governmental ethics; relating to use of public funds for lobbying."

and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 152; HB 2294** be passed.

Committee on **Judiciary** recommends **HB 2114** be passed.

Also, **HB 2278**, as amended by House Committee, be passed.

HB 2115 be amended on page 1, in line 18, by striking "12" and inserting "15"; and the bill be passed as amended.

HB 2164, as amended by House Committee of the Whole, be amended on page 1, in line 9, after "information" by inserting "regarding citizenship and the identity of the prospective juror"; in line 11, by striking "and as established by"; in line 12, by striking "supreme court rule"; in line 15, before the period by inserting "and the purpose of prosecuting elections crimes under chapter 25 of the Kansas Statutes Annotated, and amendments thereto"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2067, HB 2148, HB 2151, HB 2160** be passed.

Also, **Substitute for HB 2166, HB 2302, HB 2322** as amended by House Committee of the Whole, be passed.

HB 2153, as amended by House Committee of the Whole, be amended on page 4, in line 1, after "the" by inserting "Kansas"; also in line 1, by striking "on aging" and inserting "for aging and disability services"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2228**, as amended by House Committee, be passed.

Also, **HB 2213**, as amended by House Committee, be amended on page 1, following line 7, by inserting:

"Section 1. K.S.A. 2012 Supp. 74-4915 is hereby amended to read as follows: 74-4915.(1) Any member who retires on or after such member's normal retirement date shall be entitled to receive an annual retirement benefit equal to the sum obtained by adding an amount for participating service and an amount for prior service determined as provided in this section. The amount for prior service shall be equal to 1% of the member's prior service annual salary multiplied by the number of years of prior service entitled to credit as provided in K.S.A. 74-4913, and amendments thereto, except that for members retiring on or after July 1, 1981, who were last employed by a participating employer which had affiliated with the system under K.S.A. 74-4910, 74-4912, 74-4929 or 74-4991, and amendments thereto, and for the period commencing January 1, 1986, for members retiring before July 1, 1981, who were last employed by a participating employer which had affiliated with the system under K.S.A. 74-4910, 74-4912, 74-4929

or 74-4991, and amendments thereto, except that any increase in benefits under this section shall be reduced by any postretirement benefit adjustments received by such member prior to July 2, 1985, the amount for prior service shall be calculated using final average salary in lieu of prior service annual salary and, in the case of any such member who became a member under subsection (3) of K.S.A. 74-4925, and amendments thereto, and for whom a final average salary cannot be otherwise determined, such member's final average salary shall be based on all service for which such member received assistance in a plan under subsection (2) of K.S.A. 74-4925, and amendments thereto, as certified by such employer upon request of the board. For any member who retires on or after July 1, 1993, the amount for participating service shall be equal to the total of 1.75% of the member's final average salary multiplied by the number of years of participating service earned prior to January 1, 2014, and, subject to any election made pursuant to the provisions of K.S.A. 2012 Supp. 74-49,135, and amendments thereto, 1.4% or 1.85% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014. ~~If the federal internal revenue service fails to grant an approval or issues an adverse decision as described in K.S.A. 2012 Supp. 74-49,135, and amendments thereto, the amount for participating service earned on and after January 1, 2014, shall be 1.85% of the member's final average salary multiplied by the number of years of participating service earned on and after January 1, 2014.~~ Notwithstanding any provision of law to the contrary, service that is purchased under the provisions of K.S.A. 74-4919a et seq., and amendments thereto, shall be credited at a rate which equals 1.4% of the member's final average salary for members that elect the 1.4% multiplier pursuant to subsection (b)(2) of K.S.A. 2012 Supp. 74-49,135, and amendments thereto, and 1.75% of the member's final average salary for members that elect the 1.85% multiplier pursuant to subsection (b)(1) of K.S.A. 2012 Supp. 74-49,135, and amendments thereto.

(2) (A) Any member who retires on or after July 1, 1993, but before the normal retirement date and has attained age 60 but has not attained age 62 with the completion of 10 years of credited service, shall receive an annual retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date but based upon the member's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the product of (i) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (ii) the product of 0.2% multiplied by the number of months' difference, to the nearest whole month, between the member's attained age at the time of retirement and age 62.

(B) Any member who retires on or after July 1, 1993, but before the normal retirement date and has attained age 55 but has not attained age 60 with the completion of 10 years of credited service, shall receive an annual retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date but based upon the member's final average salary and years of participating and prior service credited to the date of actual retirement reduced by an amount equal to the total of: (i) (a) The product of such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (b) the product of 0.6% multiplied by the number of months' difference, to the nearest whole month, between the member's attained age at the time of retirement and age 60; and

(ii) on and after July 1, 1993, the product of such annual retirement benefit payable

had the member retired on the normal retirement date, multiplied by 4.8%.

(3) Upon death of a retiree, there shall be paid to such retiree's beneficiary an amount equal to the excess, if any, of such retiree's accumulated contributions over the sum of all retirement benefit payments made.

(4) Such annual retirement benefits shall be paid in equal monthly installments, except that the board may provide for the payment of retirement benefits which total less than \$240 a year on other than a monthly basis.

(5) In the event that an application in such form as may be prescribed by the board for any amount due under the provisions of this act, is not filed with the office of the retirement system by the person entitled to same within five years of the date such amount became due and payable, an amount equal to same shall be transferred to the retirement benefit accumulation reserve and such amount shall no longer be due and payable, except that if any such person shall present evidence satisfactory to the board that such person's failure to file such application within that time period was due to lack of knowledge or incapacity on such person's part, the amount equal to the amount originally due shall be transferred from the retirement benefit accumulation reserve to the reserve or reserves from which such transfer was initially made and the amount originally due shall be paid to such person.

(6) The participating employer, when an employee files an application for retirement, shall certify to the system all member contributions of such employee which have not been reported previously. In the event the amount certified results in an overpayment of retirement benefits, the employer shall be held responsible for the contribution amount previously certified from the time of commencement of the overpayment of retirement benefits until the time that such overpayment is discovered by the system. At the time that such overpayment of retirement benefits is discovered by the system, the system shall adjust the amount of retirement benefits paid to the employee to the correct amount based on the participating employer's certification of member contributions which had not been previously reported. The participating employer of the employee who has had such member's retirement benefits adjusted as provided in this subsection shall notify such employee of such overpayment and such adjustment of retirement benefits. If the contributions previously certified are lower than the actual amount reported, the employer shall be responsible for remitting the correct amount and the member's monthly benefit shall be recalculated based on the amount reported by the employer. When an employee in school employment files such an application, the participating employer responsible for any such amounts as provided in this subsection shall be the employee's eligible employer as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, and shall not be the state of Kansas. The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retiree, any joint annuitant and any beneficiary.

Sec. 2. K.S.A. 2012 Supp. 74-4919 is hereby amended to read as follows: 74-4919. (1) Except as otherwise provided, each participating employer, beginning with the first payroll for services performed after the entry date, shall deduct from the compensation of each member 4% of such member's compensation as employee contributions. Subject to any election made pursuant to the provisions of K.S.A. 2012 Supp. 74-49,135, and amendments thereto, each participating employer, for services performed by an employee first employed prior to July 1, 2009, shall deduct from the compensation of

each member, the following amounts expressed as a percentage of compensation during the following periods: (a) 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) commencing January 1, 2014, 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 K.S.A. 2012 Supp. 74-49,135, and amendments thereto, ~~or if the federal internal revenue service fails to grant an approval or issues an adverse decision as described in K.S.A. 2012 Supp. 74-49,135, and amendments thereto,~~ 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. Such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive director for deposit in the Kansas public employees retirement fund. Such deductions shall be credited to the members' individual accounts and interest shall be added annually to such accounts.

(2) (a) Subject to the provisions of K.S.A. 74-49,123, and amendments thereto, each participating employer, pursuant to the provisions of section 414(h)(2) of the federal internal revenue code, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (1) commencing with the third quarter of 1984. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(b) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under the system.

(c) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive director for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member commencing with the third quarter of 1984 may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.";

Also on page 1, in line 9, by striking all following "(a)"; by striking all in lines 10 through 12; in line 13, by striking "internal revenue service."; also in line 13, by striking "the remainder of"; in line 14, by striking all following the period; by striking all in lines 15 through 17;

And by renumbering sections accordingly;

On page 7, in line 13, after "Supp." by inserting "74-4915, 74-4919,";

On page 1, in the title, in line 2, after "elections;" by inserting "internal revenue service review requirements;"; in line 4, after "Supp." by inserting "74-4915, 74-4919,"; 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:
Member, KPERS Board of Trustees: K.S.A. 74-4905
Lois Cox, to serve a term of four years
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:
Member, Kansas Development Finance Authority: K.S.A. 74-8903
Patrice Petersen-Klein, to serve a term of four years

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Masterson in the chair.

On motion of Senator Masterson the following report was adopted:

Recommended: **HB 2015, HB 2028, HB 2120, HB 2203, HB 2204, HB 2218, HB 2318, HB 2349, HB 2357** be amended by the adoption of the committee amendments, and the bills be passed as amended.

HB 2049 be amended by adoption of the committee amendments, and the bill be passed as amended. A motion by Senator Holmes to amend **HB 2049** failed and the following amendment was rejected: on page 8, following line 14, by inserting:

"Sec. 7. K.S.A. 2012 Supp. 65-771 is hereby amended to read as follows: 65-771.
As used in this act:

(a) "Adulterated" has the same meaning as provided in K.S.A. 65-664, and amendments thereto.

(b) "Bulk milk pick up tanker" means a vehicle including the truck, tank and those appurtenances necessary for such vehicle's use, used by a bulk milk hauler or sampler to transport bulk raw milk for pasteurization from a dairy farm to a milk plant, receiving station or transfer station.

(c) "Dairy manufacturing plants" means any place where dairy products, grade A milk or milk products are manufactured or prepared for sale or distribution, either at wholesale or retail. This term shall not include a licensed food service establishment which is licensed to manufacture homemade ice cream pursuant to this act.

(d) "Dairy products" means products which may be made from milk or cream for manufacturing purposes and which are not required to meet grade A standards, including butter, cheese, dry whole milk, nonfat dry milk, dry buttermilk, dry whey, evaporated milk, whole or skim, condensed whole milk, condensed skim milk, sweetened or plain, frozen dairy dessert, and frozen dairy dessert mixes and such other products as may be otherwise designated by rules and regulations.

(e) "Frozen dairy dessert" means and includes products containing milk or cream and other ingredients which are frozen or semi-frozen prior to consumption, such as ice cream, ice milk or sherbet, including frozen dairy desserts for special dietary purposes.

(f) "Frozen dairy dessert mix" means the pasteurized unfrozen combination of all ingredients with or without fruits, fruit juices, candy, nut meats, flavor or harmless color which makes a frozen dairy dessert.

(g) "Goat milk" means the normal lacteal secretion, practically free of colostrum, obtained by the complete milking of one or more healthy goats. Goat milk sold in retail

packages shall contain not less than 2.5% milkfat and not less than 7.5% milk solids not fat. Goat milk shall be produced according to the sanitary standards of this act.

(h) "Grade A pasteurized milk" means pasteurized milk which has at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The milk shall meet the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk does not have at least a 90% survey rating.

(i) "Grade A pasteurized milk products" means all pasteurized milk products which have at least a 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation. The pasteurized milk products shall meet the requirements for grade A under rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A pasteurized milk products within the statewide system of milk inspection and regulatory services, although such grade A pasteurized milk products do not have at least a 90% survey rating.

(j) "Grade A raw milk for pasteurization" means milk having at least 90% survey rating, as determined by a survey of the source conducted by the secretary pursuant to the survey rating methods for conducting surveys of the status of milk sanitation, the raw milk meeting the requirements for grade A under the rules and regulations adopted pursuant to this act. The secretary may authorize the use of the grade A designation for a temporary time period on grade A raw milk for pasteurization within the statewide system of milk inspection and regulatory services, although such milk does not have at least a 90% survey rating.

(k) "Imminent health hazard" means any condition which involves milk, milk products, or dairy products, or any practice or procedure in the handling, transportation, storage, processing or manufacturing of a milk, milk product or dairy product which poses a significant threat of danger to the public health which should be corrected immediately to prevent injury or sickness and which should not be permitted to continue while a hearing or other proceeding is being conducted. An imminent health hazard may be declared at any point in a chain of events which ultimately may result in harm or danger to the public health. The occurrence of the final anticipated injury or other disease related condition shall not be a prerequisite for the establishment of the existence of an imminent health hazard.

(l) "In package form" means any commodity put up or packaged in any manner in advance of sale so as to constitute a unit quantity of the commodity for either wholesale or retail sale, exclusive of any auxiliary container enclosing such packages which individually conform to the requirements of this act.

(m) "Milk" means the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy cows. Milk that is in final package form for beverage use shall have been pasteurized or ultrapasteurized, and shall contain not less than 8.25% milk solids not fat and not less than 3.25% milkfat. Milk may have been adjusted by separating part of the milkfat therefrom, or by adding thereto cream, concentrated milk, dry whole milk, skim milk, concentrated skim milk, or nonfat dry

milk. Milk may be homogenized. Milk shall be interpreted to include goat milk.

(n) "Milk distributor" means any person who first sells or offers for sale in Kansas any packaged grade A pasteurized milk, milk product, or dairy product.

(o) "Milk hauler/sampler" means any person who collects official samples and may transport raw milk from a farm or raw milk products to or from a milk plant or both, receiving station or transfer station and has in their possession a permit from any state to sample such products.

(p) "Milk inspection and regulatory services" means the inspection, sampling, laboratory testing and the administrative procedures relating thereto, necessary to determine that the production, processing, distribution and sale of grade A milk, milk products, and dairy products comply with the requirements of this act and any rules and regulations adopted hereunder.

(q) "Milk or cream for manufacturing purposes" means raw milk or raw cream which is not subject to grade A standards and which is produced for processing and manufacturing into dairy products for human consumption. Milk for manufacturing purposes may contain less than 3.25% of butterfat and shall be delivered pure, sweet and clean.

(r) "Milk or cream receiving station" means any place where milk or cream may be received, collected, handled, processed, stored or collected and prepared for further transporting.

(s) "Milk or cream transfer station" means any place where milk or cream are transferred directly from one milk tank truck to another.

(t) "Milk plant" means any place, premises or establishment where milk or milk products are collected, handled, processed, stored, pasteurized, ultrapasteurized, aseptically processed, condensed, dried, packaged or prepared for distribution.

(u) "Milk processor" means any person who operates any place, premises or establishment where grade A raw milk for pasteurization or milk or cream for manufacturing purposes is processed, pasteurized, bottled or prepared for distribution.

(v) "Milk producer" means any person who owns or operates a dairy farm and who provides, sells or offers for sale grade A raw milk for pasteurization or milk or cream for manufacturing purposes to a milk plant, receiving station or transfer station.

(w) "Milk products" means cream, light cream, light whipping cream, heavy cream, heavy whipping cream, whipped cream, whipped light cream, sour cream, acidified sour cream, cultured sour cream, half-and-half, sour half-and-half, acidified sour half-and-half, cultured sour half-and-half, reconstituted or recombined milk and milk products, concentrated milk, concentrated milk products, nonfat skim milk, reduced fat or lowfat milk, frozen milk concentrate, eggnog, buttermilk, cultured milk, cultured reduced fat or lowfat milk, cultured nonfat skim milk, yogurt, lowfat yogurt, nonfat yogurt, acidified milk, acidified reduced fat or lowfat milk, acidified nonfat skim milk, low-sodium milk, low-sodium reduced fat or lowfat milk, low-sodium nonfat skim milk, lactose-reduced milk, lactose-reduced reduced fat or lowfat milk, lactose-reduced nonfat skim milk, aseptically processed and packaged milk and milk products, milk, reduced fat or lowfat milk or nonfat skim milk with added safe and suitable microbial organisms and any other milk product made by the addition or subtraction of milkfat or addition of safe and suitable optional ingredients for protein, vitamin or mineral fortification of milk products defined herein. Milk products also include those dairy foods made by modifying the federally standardized products listed in this section in

accordance with 21 C.F.R. § 130.10, requirements for foods named by use of a nutrient content claim and a standardized term. Milk and milk products which have been retort processed after packaging or which have been concentrated, condensed or dried are included in this definition only if they are used as an ingredient to produce any milk or milk product defined herein or if they are labeled as Grade A as adopted and described by rules and regulations promulgated under this act. Except as otherwise provided, the term milk shall not include dietary products, infant formula, ice cream or other desserts, butter or cheese.

(x) "Milk tank truck" means the term used to describe both a bulk milk pick up tanker and a milk transport tank.

(y) "Milk tank truck cleaning facility" means any place, premises or establishment, other than a milk plant, receiving station or transfer station, where a milk tank truck is cleaned and sanitized.

(z) "Milk transport tank" means a vehicle including the truck and tank, used by a bulk milk hauler or sampler to transport bulk shipments of milk and milk products from a milk plant, receiving station or transfer station to another milk plant, receiving station or transfer station.

(aa) "Milk transportation company" means the person, business or entity responsible for a milk tank truck.

(bb) "Misbranded" has the same meaning as ascribed to it in K.S.A. 65-665, and amendments thereto.

(cc) "On-farm retail sales of milk or milk products" means the sale of milk or milk products on the farm by the producer from the production of the dairy herd to the final consumer, ~~so long as the person making such sales does not promote the sale of milk or milk products to the public in any manner other than by the erection of a sign upon the premises of the dairy farm. The advertisement upon any such sign shall state that such milk or milk products are raw and shall be in letters of a uniform size.~~ Each container in which any unpasteurized milk is sold or offered for sale shall be clearly labeled as ungraded raw milk.

(dd) "Pasteurized" has the same meaning as ascribed to it in 21 C.F.R. §§ 131.3 and 135.3.

(ee) "Person" means any individual, plant operator, partnership, corporation, company, firm, trustee, association or institution.

(ff) "Plant fabricating single service articles" means any place which manufactures single service articles which are expected to come in contact with grade A milk or grade A milk products.

(gg) "Secretary" means the secretary of the Kansas department of agriculture, or the secretary's designee.

(hh) "Single service article or container" means any container having a milk or milk product-contact surface and used in the packaging, handling, storage or servicing of grade A milk and is intended for one usage only.";

And by renumbering remaining sections accordingly;

On page 22, in line 15, after "2-3306," by inserting "65-771,";

On page 1, in the title, in line 1, by striking "the Kansas department of"; in line 2, by striking "eliminating" and inserting "relating to"; in line 3, after the second semicolon by inserting "relating to milk, cream and dairy products; definition of on-farm retail sales of milk and milk products;"; in line 4, after "2-3306," by inserting "65-771,"

The committee report on **HB 2017** recommending a **S Sub for HB 2017** be adopted, and the substitute bill be passed as amended.

The committee report on **HB 2093** recommending a **S Sub for HB 2093** be adopted, and the substitute bill be passed.

HB 2109 be amended by motion of Senator Abrams: on page 1, in line 24, after "under" by inserting "subsection"; in line 25, after "under" by inserting "subsection"; in line 26, after "under" by inserting "subsection"; in line 27, after "under" by inserting "subsection"; in line 28, after "under" where it appears for the first time by inserting "subsection"; also in line 28, after "under" where it appears for the second time by inserting "subsection"; in line 29, after "under" by inserting "subsection" and **HB 2109** be passed as amended.

HB 2025 be amended by adoption of the committee amendments, be further amended by motion of Senator Pilcher-Cook: on page 4, in line 28, by striking the first "of" and inserting "for" and **HB 2025** be passed as further amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2015**, **HB 2017**, **HB 2025**, **HB 2028**, **HB 2049**, **HB 2093**, **HB 2109**, **HB 2120**, **HB 2203**, **HB 2204**, **HB 2218**, **HB 2318**, **HB 2349** and **HB 2357** were advanced to Final Action and roll call.

HB 2015, AN ACT concerning domestic relations; relating to marital property; dissolution of marriage; service of process; amending K.S.A. 2012 Supp. 23-2601 and 23-2704 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Haley, Tyson.

The bill passed, as amended.

Sub HB 2017, AN ACT concerning criminal procedure; relating to appeals from municipal court; appeals from a district magistrate judge; use of tracking devices by law enforcement; search warrants; amending K.S.A. 12-4601, 22-2503 and 22-2506 and K.S.A. 2012 Supp. 22-2502, 22-3609 and 22-3609a and repealing the existing sections.

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

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

The substitute bill passed, as amended.

HB 2025, AN ACT establishing the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight; amending K.S.A. 2012 Supp. 39-7,160 and 39-7,162 and repealing the existing sections; also repealing K.S.A.

2012 Supp. 39-7,161 and 46-3501.

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

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

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President : I concur with the unanimous passage of **HB 2025**. The Robert G. "Bob" Bethell joint committee on home and community based services. Few, during my twenty year tenure here in the Kansas Legislature, approach the combination of intellect, tenacity and perseverance that Representative Bob Bethell brought to the legislative process. His unique and untiring advocacy on behalf of quality senior living ; his mixture of wit, sometimes self-effacing humor ("Well, if it isn't the late David Haley!" ...a standard greeting underscoring my penchant for tardiness); his appreciation for Disney's lovable Mickey Mouse and so many fond and respected memories punctuate his very being throughout our Rotunda and this building to this very day. A minister of sorts, Bob would no doubt have some philosophical irony attributed to his final day of service to his family, his community and the causes he championed ... all which he loved dearly. His life lost in a car accident heading home after a marathon day at the Legislature ... what would HE say ? All I can say now, Madame President, is that we should all be so fortunate to have an identifiable legacy as enviable as Bob's. This bill is an important part of his advocacy which will now be long remembered, appropriately, in statute. Truly ... his very living was not in vain.—DAVID HALEY

HB 2028, AN ACT concerning forfeiture; relating to venue in forfeiture proceedings; amending K.S.A. 60-4103 and repealing the existing section.

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

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

Present and Passing: King.

The bill passed, as amended.

HB 2049, AN ACT concerning the Kansas department of agriculture; relating to program fees; increasing certain fees; eliminating sunsets on various program fees; exempting certain dairies from fees; amending K.S.A. 2012 Supp. 2-2440, 2-2440b, 2-2443a, 2-2445a, 2-3304, 2-3306, 65-778, 65-781, 82a-708a, 82a-708b, 82a-708c, 82a-714, 82a-727, 83-302 and 83-402 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

Sub for HB 2093, AN ACT concerning the Kansas consumer protection act; relating to unconscionable acts or practices.

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

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

The substitute bill passed.

HB 2109, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2012 Supp. 72-6448 and repealing the existing section.

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

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

The bill passed, as amended.

HB 2120, AN ACT concerning crimes, criminal procedure and punishment; amending K.S.A. 2012 Supp. 21-2511 and 21-6403 and repealing the existing sections.

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

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

The bill passed, as amended.

HB 2203, AN ACT concerning civil procedure; relating to exercise of religion.

On roll call, the vote was: Yeas 34; Nays 4; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Francisco, Haley, Hawk, Hensley.

Present and Passing: Holland, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote “no” on **HB 2203**. I am concerned that there is no requirement in the bill that a burden be in any way substantial; rather the definition of burden is stated as meaning “any government activity that directly or indirectly constrains, inhibits, curtails, or denies the exercise of religion...” With this definition the bill does not restore a known and effective legal protection, but rather establishes an uncertain standard. Furthermore, this bill does nothing to clarify that it cannot be used to withhold public safety and healthcare services. Expansion of religious freedom should not come at the expense of the existing civil rights protections for Kansans, nor should the state sanction the use of religion in any way to further discrimination.—
 MARCI FRANCISCO

Senators Haley and Hawk request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2203**.

HB 2204, AN ACT concerning civil procedure; relating to redemption of real property; amending K.S.A. 2012 Supp. 60-2414 and repealing the existing section.

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

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

The bill passed, as amended.

HB 2218, AN ACT concerning driving; relating to driving under the influence of alcohol or drugs; tests; implied consent; administrative hearings; aggravated battery; amending K.S.A. 8-1567a and K.S.A. 2012 Supp. 8-2,144, 8-1001, 8-1013, 8-1020, 8-1025, 8-1567 and 21-5413 and repealing the existing sections.

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

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

The bill passed, as amended.

HB 2318, AN ACT concerning motor vehicles; relating to motorcycles; authorizing modulating head lamps and side lamps; amending K.S.A. 8-1801 and 8-1804 and repealing the existing sections.

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

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

The bill passed, as amended.

HB 2349, AN ACT concerning legislative post audit committee; auditing unified school districts.

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

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

The bill passed, as amended.

HB 2357, AN ACT designating a portion of United States highway 169 as the 242nd engineer company – KS army national guard – highway.

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

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

The bill passed, as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate adjourned until 8:00 a.m., Friday, March 22, 2013.

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 22, 2013, 8:00 a.m.

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

Heavenly Father, the people of Israel were held as slaves by the Pharaohs until one of their own was called to lead them to freedom. On Monday, the Holy Days of Passover will begin with their focus on justice and freedom for all people. The story of the Exodus will be retold in many languages and in many lands, and the hope of Peace in Jerusalem will be lifted in prayer. Let us join the Jewish people in a prayer for Shalom, for peace now and for every generation. In your Holy Name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 242, AN ACT concerning insurance; relating to accident and sickness insurance; requiring insurers to provide an applicant a copy of the policy or contract before payment of any premium; amending K.S.A. 40-2218 and 40-2219 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:

Assessment and Taxation: **HB 2047**.
Ways and Means: **SB 241**.

REPORT ON ENROLLED BILLS

SR 1737, **SR 1738** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 22, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2034**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2034," as follows:

"Senate Substitute for HOUSE BILL No. 2034

By Committee on Judiciary

"AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate."; and the substitute bill be passed.

Also, **HB 2170**, as amended by House Committee of the Whole, be amended on page 4, in line 26, before "a," by inserting "or while the offender is on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony,"; by striking all in lines 34 through 43;

On page 5, by striking all in lines 1 through 9;

And by redesignating paragraphs accordingly;

Also on page 5, in line 33, by striking "(A)"; also in line 33, by striking "nonperson"; in line 37, by striking "shall" and inserting "may"; in line 38, by striking "either"; in line 39, by striking "concurrently or";

On page 6, by striking all in lines 2 through 11;

On page 12, by striking all in lines 37 through 43 and inserting "Any person who is convicted and sentenced for a crime committed while on probation, assigned to a community correctional services program, on parole, on conditional release or on postrelease supervision for a felony shall serve the sentence consecutively to the term or terms under which the person was on probation, assigned to a community correctional services program or on parole or conditional release.";

On page 13, in line 1, by striking "person" where it appears for the second time; in line 2, by striking "felony" and inserting "crime";

On page 20, in line 38, by striking "has" and inserting "had"; in line 42, after "secretary" by inserting ". This sanction shall not be imposed more than once during the term of supervision"; in line 43, by striking "has at least one" and inserting "had a";

On page 21, in line 1, after "subsection" by inserting "(c)(1)(B) or"; in line 4, after "secretary" by inserting ". This sanction shall not be imposed more than once during the term of supervision"; in line 5, by striking "has at least one" and inserting "had a"; in line 6, after "subsection" by inserting "(c)(1)(C) or"; in line 35, by striking "(A)"; also in line 35, by striking "nonperson"; in line 37, by striking "either concurrently"; in line 38, by striking "or";

On page 22, by striking all in lines 1 through 9; in line 12, by striking "be returned" and inserting "return"; in line 13, after "supervision." by inserting "The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned."; in line 20, by striking all after "may"; in line 21, by striking all before the period and inserting "revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D)";

Also on page 22, in line 24, after "to" by inserting "subsection"; in line 25, after "to" by inserting "subsection";

On page 26, in line 33, by striking "subparagraph" and inserting "subsection"; in line 42, by striking "subparagraph" and inserting "subsection";

On page 41, in line 12, by striking "and"; in line 18, by striking the period and inserting a semicolon; in line 22, by striking the period and inserting "; and"; and the bill be passed as amended.

HB 2209, as amended by House Committee, be amended on page 6, following line 17, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 22-4903 is hereby amended to read as follows: 22-4903. (a) Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

(b) Aggravated violation of the Kansas offender registration act is violation of the Kansas offender registration act which continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act which continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues.

(c) (1) Except as provided in subsection (c)(3), violation of the Kansas offender registration act is:

- (A) Upon a first conviction, a severity level 6, person felony;
- (B) upon a second conviction, a severity level 5, person felony; and
- (C) upon a third or subsequent conviction, a severity level 3, person felony.

(2) Except as provided in subsection (c)(3), aggravated violation of the Kansas offender registration act is a severity level 3, person felony.

(3) Violation of the Kansas offender registration act or aggravated violation of the Kansas offender registration act consisting only of failing to remit payment to the sheriff's office as required in subsection (k) of K.S.A. 22-4905, and amendments thereto, is:

(A) Except as provided in subsection (c)(3)(B), a class A misdemeanor if, within 15 days of registration, full payment is not remitted to the sheriff's office;

(B) a severity level 9, person felony if, within 15 days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

(d) Prosecution of violations of this section may be held:

- (1) In any county in which the offender resides;
- (2) in any county in which the offender is required to be registered under the Kansas offender registration act;
- (3) in any county in which the offender is located during which time the offender is not in compliance with the Kansas offender registration act; or
- (4) in the county in which any conviction or adjudication occurred for which the offender is required to be registered under the Kansas offender registration act.";

On page 9, in line 6, by striking ". Failure"; by striking all in lines 7 and 8; in line 9, by striking "and amendments thereto";

On page 11, in line 21, after "report" by inserting "to the registering law enforcement agency"; in line 39, after "sent" by inserting ", within three business days,"; in line 40, after "school" by inserting ", and to the Kansas bureau of investigation";

On page 12, in line 37, by striking "during"; by striking all in line 38; in line 39, by

striking "occurring before and after the month of the offender's birthday" and inserting "as part of the reporting process required pursuant to subsection (b)"; in line 41, after "school." by inserting "Registration will be completed regardless of whether or not the offender remits payment. Failure of the offender to remit full payment within 15 days of registration is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto.";

And by renumbering sections accordingly;

On page 21, in line 11, after "22-4902," by inserting "22-4903,";

On page 1, in the title, in line 2, after "22-4902," by inserting "22-4903,"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **Substitute for HB 2207** be amended on page 4, in line 5, by striking "(k),"; also in line 5, by striking "(n)" and inserting "(m) or exceptions described in (k)"; in line 13, after "no" by inserting "identified"; in line 19, by striking all after "If"; in line 20, by striking all before the semicolon and inserting "the separation distances comply with the requirements for separation distances, the secretary shall certify the registration"; in line 21, by striking "there is a violation of" and inserting "the"; also in line 21, after "distances" by inserting "do not comply with the requirements for separation distances"; also in line 21, by striking "shall"; in line 22, by striking all after "(a)"; by striking all in line 23; in line 24, by striking "(b) "; and by inserting "may"; also in line 24, by striking "distances" and inserting "distance requirements"; in line 25, by striking "any" and inserting "the registration based on"; also in line 25, after "distances" by inserting "; or

(b) shall report the conditions necessary to receive certification to the registrant";

On page 5, in line 2, by striking "separation"; in line 3, by striking "distances indicated in such";

On page 8, in line 2, by striking "(i)(2)(B)" and inserting "(k)(2)(B)"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2155** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2155," as follows:

"Senate Substitute for HOUSE BILL No. 2155

By Committee on Public Health and Welfare

"AN ACT concerning community developmental disability organizations; eligibility determination, needs assessment and case management; amending K.S.A. 39-1805 and repealing the existing section.";

and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2200**, as amended by House Committee, be passed.

Also, **SB 218** be amended on page 23, in line 12, by striking "All"; in line 13, by striking "shall be used for compensation of non-judicial personnel and"; in line 18, by striking "payrolls" and inserting "vouchers"; following line 20, by inserting:

"(e) Expenditures may be made from the judicial branch docket fee fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, and for educating and training municipal judges and municipal court and support staff, including official hospitality. The judicial administrator is hereby authorized to fix, charge and collect fees for such

services and programs. Such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality. All fees received for such purposes and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch docket fee fund.";

Also on page 23, in line 21, by striking "(e)" and inserting "(f)"; and the bill be passed as amended.

HB 2149 be amended on page 1, by striking all in lines 8 through 35; following line 35, by inserting:

"Section 1. K.S.A. 74-2134 is hereby amended to read as follows: 74-2134. ~~(a)~~ There is hereby created in the state treasury the highway patrol training center fund. All moneys credited to such fund under the provisions of this act or any other law shall be expended only for the purpose and in the manner prescribed by law. All expenditures from the highway patrol training center fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or the designee of the superintendent. All moneys received for the highway patrol training center 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 highway patrol training center fund.

~~(b) Commencing on June 30, 1992, and on each June 30 thereafter, the director of accounts and reports shall transfer from the highway patrol training center fund to the state general fund \$500,000.~~

~~(c) All amounts transferred from the highway patrol training center fund to the state general fund under subsection (b) are to reimburse the state general fund for the cost of financing the training of the personnel of the Kansas highway patrol which is financed from the state general fund and 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. Such reimbursements are in addition to those authorized by K.S.A. 75-3170a, and amendments thereto.~~

Sec. 2. K.S.A. 74-2134 is hereby repealed.";

Also on page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 5 and inserting "the highway patrol training center fund; amending K.S.A. 74-2134 and repealing the existing section."; and the bill be passed as amended.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, March 25, 2013.

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, March 25, 2013, 10:00 a.m.

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

The roll was called with forty senators present.

Vice President King introduced as guest chaplain, The Reverend Kaye Metzler, Lincoln County United Methodist Churches, who delivered the invocation.

Today is the first work-day in a week known within the Christian calendar as Holy Week, a week which leads to Easter... Will you pray with me.... God of journey small and journey great, of Holy days and Holy week, of Lenten struggle and Easter promise.....as we gather in this chamber may the gentle breeze of your Spirit encircle and hold close each soul in this legislative body. God of agriculture and of industry, of small towns and cities great, counties struggling and counties thriving, of rolling hills and prairie plains, may the diversity and uniqueness of who Kansans are be spoken of, and acted on this day. May this Senate, through convening conversation and the processes of law, be strengthened by your presence, humbly committed to the elected task of their office, empowered and enabled that they may envision and guide forth the people of the great state of Kansas. In your holy name we pray. Amen

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

SB 243, AN ACT concerning alcoholic beverages; amending K.S.A. 2012 Supp. 41-306, 41-306a and 41-701 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 244, AN ACT concerning racetrack gaming; amending K.S.A. 2012 Supp. 74-8747 and repealing the existing section, by Committee on Federal and State Affairs.

SENATE CONCURRENT RESOLUTION No. 1612—

By Senator Pilcher-Cook

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning certain reserved powers.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

"§ 17. **Powers reserved.** The people of Kansas hereby expressly reserve to the state of Kansas, and to the citizens of Kansas, all powers not delegated to the United States by the constitution of the United States, or not otherwise prohibited to the states by the constitution of the United States. These reserved powers include, but are not limited to, the power to regulate the following subjects: Education; marriage and law relating to the family; firearms, ammunition and their use; land use; the management of wildlife, game and fisheries; health care; and all forms of insurance."

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 expressly reserve to the state of Kansas, and to the citizens of Kansas, all powers not delegated to the United States by the constitution of the United States, or not otherwise prohibited to the states by the constitution of the United States.

"A vote for this proposition would expressly reserve to the state of Kansas, and to the citizens of Kansas, all powers not delegated to the United States by the constitution of the United States, or not otherwise prohibited to the states by the constitution of the United States. These reserved powers include, but are not limited to, the power to regulate the following subjects: Education; marriage and law relating to the family; firearms, ammunition and their use; land use; the management of wildlife, game and fisheries; health care; and all forms of insurance.

"A vote against this proposition would not expressly reserve any of such powers in the constitution of the state of Kansas."

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 election in August in the year 2014 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.

SENATE CONCURRENT RESOLUTION No. 1613—

By Senator Pilcher-Cook

A CONCURRENT RESOLUTION making application to the congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States with respect to states' rights.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That pursuant to article V of the constitution of the United States,

the legislature of the state of Kansas hereby makes application to the congress of the United States for the calling of a constitutional convention for the sole purpose of proposing the following article as an amendment to the constitution of the United States:

"ARTICLE _____

"Section 1. The states and the citizens thereof have the sole and exclusive authority to regulate directly, and to regulate indirectly through taxes, the following subjects: Education; the time, place and manner of elections; marriage and law relating to the family; firearms, ammunition and their use; land use; the management of wildlife, game and fisheries; health care; and all forms of insurance.

"Sec. 2. Section 1 is not an exclusive list of subjects that the states may regulate. With respect to all other subjects, other than those enumerated in sections 9 and 10 of article I, the states may regulate those subjects. Congress may not exercise its enumerated powers to impliedly preempt or otherwise impliedly displace state laws. The preemption or displacement of such state laws may only occur if an act of congress expressly and unmistakably states its intention to preempt or displace state law."; and

Be it further resolved: That this application constitutes a continuing application in accordance with article V of the constitution of the United States until at least two-thirds of the several states shall have made similar applications to the congress of the United States; and

Be it further resolved: That the secretary of state is hereby directed to transmit copies of this resolution to the President of the United States, the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, each member of the Kansas delegation in the United States Congress and to the legislatures of all other states of the United States.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Financial Institutions and Insurance: **SB 242**.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 51, SB 59**.

Announcing passage of **SB 20**, as amended; **SB 56**, as amended; **SB 57**, as amended by **House Substitute for SB 57, SB 81**, as amended, **SB 102**, as amended, **SB 120**, as amended.

The House concurs in Senate amendments to **HB 2305**.

The House accedes to the request of the Senate for a conference on **H Sub for SB 83** and has appointed Representatives Carlson, Schwab and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for SB 84** and has appointed Representatives Carlson, Schwab and Sawyer as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2009**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2143**, requests a conference and has appointed Representatives Rhoades, Suellentrop and Henry as conferees on the part of the House.

Announcing passage of **HB 2381**.

The House concurs in Senate amendments to **HB 2028**.

The House concurs in Senate amendments to **HB 2203**.

The House concurs in Senate amendments to **HB 2318**.

The House concurs in Senate amendments to **HB 2357**.

The House nonconcur in Senate amendments to **HB 2015**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **Sub HB 2017**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2049**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2204**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2381 was thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

SB 62, SB 69 reported correctly engrossed March 20, 2013.

SB 85 reported correctly engrossed March 21, 2013.

SB 28, SB 216 reported correctly engrossed March 22, 2013.

SB 82, SB 210, SB 235 reported correctly engrossed March 25, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2140** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2140," as follows:

"Senate Substitute for HOUSE BILL No. 2140

By Committee on Education

"AN ACT concerning schools; relating to pupils and reading proficiency; enacting the Kansas reads to succeed act."; and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **HB 2253**, as amended by House Committee, be passed.

On motion of Senator Bruce the Senate recessed until 2:00 p.m.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators King, Abrams, Knox and Masterson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1739—

A RESOLUTION congratulating the 1953 El Dorado Junior College basketball team on the 60th anniversary of winning the NJCAA title.

WHEREAS, March 28, 2013, marks the 60th anniversary of the El Dorado Junior College (now Butler County Community College) basketball team's winning of the NJCAA National Tournament; and

WHEREAS, This victory is only one of two times in history that two teams from the same state met in the NJCAA National Tournament championship game and the only time that two teams from Kansas have met in a collegiate national title game. The El Dorado Grizzlies defeated the Arkansas City Junior College (now Cowley County Community College) basketball team for the national title; and

WHEREAS, The 1953 El Dorado Junior College squad came into the season under head coach Dave Weatherby. The Ark City Tigers were coached by Dan Kahler; and

WHEREAS, Members of the 1953 El Dorado Junior College basketball team were Johnny Gragg, Dick Rippe, Mike Girrens, Richard Smith, Len Wilson, Jack Wichers, Pat Kinney, Gary Silor, Bill McAdoo, Ray Reep, Danny O'Brien, Bill Elliot, Fred Fuller, Jerry Evenson, Jerry Wilson, Eldon Eisenhour, Larry Maus and David Ellis; and

WHEREAS, Members of the 1953 Ark City Junior College basketball team were Ray Potter, Linwood Burns, Jim Reed, Lafayette Norwood, Seymour Seitchick, Jerry David, Jack King, J.C. Louderback, Reece Bohannon and Cecil Hawkins; and

WHEREAS, The two teams had played each other three other times during that season with Ark City winning two of those games and El Dorado winning one. The El Dorado Grizzlies defeated the Ark City Tigers 82-64 for the national title: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the 1953 El Dorado Junior College basketball team on their national title and the 1953 Ark City team on their national runner-up finish. It is great to see two teams from Kansas with such great success during a basketball season. Both Kansas teams are commended for making it to the national title game, making history for the NJCAA tournament; and

Be it further resolved: That the Secretary of the Senate be directed to provide 38 enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1739** was adopted unanimously.

The Senators honored the team with a standing ovation.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 20** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Love the Senate nonconcurrred in the House amendments to **SB 56** and requested a conference committee be appointed.

The Vice President appointed Senators Love, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator Love the Senate nonconcurrred in the House amendments to **Sub SB 57** and requested a conference committee be appointed.

The Vice President appointed Senators Love, Kerschen and Francisco as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 81** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurrred in the House amendments to **SB 102** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, Emler and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Love the Senate nonconcurrred in the House amendments to **SB 120** and requested a conference committee be appointed.

The Vice President appointed Senators Love, Kerschen and Francisco as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2009**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2015**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **Sub HB 2017**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Love, the Senate acceded to the request of the House for a conference on **HB 2049**.

The President appointed Senators Love, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **S Sub for HB 2143**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2204**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **S Sub for HB 2093**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2120**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2025**, requests a conference and has appointed Representatives Crum, Weber and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2078**, requests a conference and has appointed Representatives Goico, Seiwert and Meier as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2109**, requests a conference and has appointed Representatives Cassidy, Grosserode and Winn as conferees on the part of the House.

The House nonconcur in Senate amendments to **Sub HB 2183**, requests a conference and has appointed Representatives Crum, Weber and Ward as conferees on the part of the House.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended: **HB 2012, HB 2135, HB 2156, HB 2160, HB 2221, HB 2368** be passed.

SB 210, SB 235; HB 2107, HB 2149, HB 2164, HB 2170, HB 2249, HB 2261, HB 2339 be amended by the adoption of the committee amendments, and the bills be passed as amended.

SB 72 be amended by the adoption of the committee amendments and the bill be passed as amended. A motion by Senator Holland to amend **SB 72** failed and the following amendment was rejected: on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 5;

On page 11, by striking all in lines 12 and 13; following line 13 by inserting:

"Section 1. (a) For all taxable years commencing after December 31, 2013, real property owned and operated by a health club in the state of Kansas, if determined by the board of commissioners of the county in which the real property is located to have a public purpose and promote the general welfare, may be exempted from ad valorem taxation by such county board as permitted by this section. In determining whether the real property has a public purpose and promotes the general welfare, the county board shall consider, among other things, any benefit in maintaining abundant and diverse health club services in the community, any benefit in facilitation of additional health

club services in the community, and any economic development benefits to the community of extending property tax relief to health clubs as permitted by this section. In making its findings, the county board shall consider the effect of any existing tax exemptions for entities offering health club-type services in the county on the applicant health club.

(b) For purposes of this section, "health club" means a corporation, partnership, unincorporated association or other business enterprise the primary purpose of which is to offer facilities that contain cardio, weight training or strength and conditioning equipment, or both, for the preservation, maintenance, encouragement or development of physical fitness in return for the payment of a fee which entitles the buyer to the use of such facilities. A health club may have on such club's premises health spas, studios, tennis, racquet or basketball facilities or swimming pools that offer programs that enhance the primary purpose of the health club as specified in this subsection, but may not be facilities that are primarily weight control facilities, health spas, dance studios, martial arts or self-defense studios, tennis, racquet or basketball facilities, swimming pools, golf clubs or similar activities which do not have the primary purpose as specified in this subsection.

(c) For purposes of this section, real property shall be considered "owned and operated by a health club" if the owner of the real property to be exempted from taxation and the business enterprise that operates the health club and collects the payment of the fee entitling the buyer to use the facility are the same business entity, a parent or subsidiary of the same business entity or have any direct or indirect common ownership.";

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking all after "health clubs"; in line 3, by striking all before the period

A motion by Senator Hensley to amend **SB 72** failed and the following amendment was rejected: on page 1, by striking all in lines 6 through 36;

By striking all on pages 2 through 5;

On page 11, following line 11, by inserting:

"Section 1. K.S.A. 2012 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and ~~acts amendatory thereof and supplemental amendments~~ thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: ~~(1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years 2009, 2010, 2011, 2012, and 2013, and (2) the amount of the transfer on each such date shall be \$13,500,000 during fiscal year 2014, \$20,250,000 during fiscal year 2015, and \$27,000,000 during fiscal year 2016~~ and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state

general fund, ~~except that all such transfers during fiscal year 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.";

Also on page 11, in line 12, by striking "79-201" and inserting "79-2959";

On page 1, in the title, in line 2, by striking "exemptions; health clubs" and inserting "; local ad valorem tax reduction fund"; also in line 2, by striking "79-201" and inserting "79-2959"

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

On roll call, the vote was: Yeas 15; Nays 23; Present and Passing 1; Absent or Not Voting 1.

Yeas: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Longbine, McGinn, O'Donnell, Petersen, Pettey, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Wolf.

Absent or Not Voting: Olson.

The motion failed and the amendment was rejected.

The committee report on **HB 2011** recommending a **S Sub for HB 2011** be adopted, and the substitute bill be passed.

The committee report on **HB 2043** recommending a **S Sub for HB 2043** be adopted, and the substitute bill be passed.

The committee report on **HB 2150** recommending a **S Sub for HB 2150** be adopted, and the substitute bill be passed

HB 2139 be amended by motion of Senator O'Donnell: on page 2, in line 4, by striking "preformed" and inserting "performed"; in line 37, before "17-2206a" by inserting "10-815,";

On page 3, in line 8, by striking "10-815, 10-816,";

On page 1, in the title, in line 2, by striking ", 10-815 and 10-816" and **HB 2139** be passed as amended.

HB 2128 be amended by the adoption of the committee amendments, be further amended by motion of Senator Francisco: on page 8, in line 9, after "disposal" by inserting "or treatment" and **HB 2128** be passed as further amended.

HB 2162 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco: on page 1, in line 9, after "(1)" by inserting "If a request is submitted pursuant to subsection (a) and"; in line 12, by striking "from"; in line 16, after "(2)" by inserting "If a request is submitted pursuant to subsection (a) and"

Senator Francisco moved to further amend **HB 2162**, as amended by Senate Committee, on page 1, in line 12, by striking "from" and **HB 2162** be passed as further

amended.

A motion by Senator Francisco to amend **HB 2162** failed and the following amendment was rejected: on page 1, in line 12, by striking "shall" and inserting "may"; also in line 12, by striking "from"; in line 19, by striking "shall" and inserting "may".

HB 2014, HB 2069; S Sub for HB 2155 be passed over and retain a place on the calendar.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **Substitute for HB 2105** be amended on page 15, in line 18, by striking "\$16,000" and inserting "\$12,000"; in line 19, by striking "any calendar year following" also in line 19, by striking "2014" and inserting "calendar year 2015, and in excess of \$14,000 with respect to all calendar years thereafter"; in line 21, by striking "in excess of"; in line 22, by striking all before "paid"; in line 23, by striking all before the comma and inserting "in excess of \$8,000 for the calendar years 1984-2014, inclusive, and in excess of \$12,000 with respect to employment during calendar year 2015, and in excess of \$14,000 with respect to all calendar years thereafter";

On page 24, following line 30, by inserting:

"(i) For weeks commencing on and after January 1, 2014, if at the beginning of the benefit year, the three month seasonally adjusted average unemployment rate for the state of Kansas is: (1) Less than 4.5%, a claimant shall be eligible for a maximum of 16 weeks of benefits; (2) at least 4.5% but less than 6%, a claimant shall be eligible for a maximum of 20 weeks of benefits; or (3) at least 6%, a claimant shall be eligible for a maximum of 26 weeks of benefits.";

On page 47, in line 43, before "because" by inserting "less than full-time";

On page 66, following line 26, by inserting:

"(v) For rate year 2015 and rate years thereafter, an eligible employer other than a negative account balance employer, who has filed all reports due and paid all contributions due and owing on or before January 31 of the applicable year is entitled to a rate discount of 20% except as provided in this subsection. This discount shall not be in effect if other reduced rates pursuant to subsections (a)(3)(C)(i) through (iv) are in effect. This discount shall not be available for a rate year if the average high cost multiple of the employment security trust fund balance falls below 1.0 as of the computation date of that year's rates, and this discount shall thereafter cease to be in effect for all subsequent rate years. For the purposes of this provision, the average high cost multiple is as defined by subsection (a)(3)(C)(iv)."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2052** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2052," as follows:

"Senate Substitute for HOUSE BILL No. 2052

By Committee on Federal and State Affairs

"AN ACT concerning firearms; dealing with the personal and family protection act; amending K.S.A. 2012 Supp. 21-6302, 21-6309, 45-221, 75-7c05, 75-7c06, 75-7c10 and 75-7c17 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k."

and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2303**, as amended by House Committee, on page 5, in line 35, by striking "35%" and inserting "16.2%"; in line 37, by striking "20%" and inserting "6.5%"; in line 38, by striking "20%" and inserting "6.5%"; in line 39, by striking "cited in" and inserting "created by"; in line 40, by striking "and"; also in line 40, by striking "25%" and inserting "20.2%"; in line 41, following "thereto" by inserting ", and 50.8% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 20-1a15, and amendments thereto";

On page 7, following line 15, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 20-1a15 is hereby amended to read as follows: 20-1a15.

(a) There is hereby established in the state treasury the judicial branch nonjudicial salary adjustment fund.

(b) All moneys credited to the judicial branch nonjudicial salary adjustment fund shall be used for compensation of nonjudicial officers and employees of the district courts, court of appeals and the supreme court and shall not be expended for compensation of judges or justices of the judicial branch. Moneys in the fund shall be used only to pay for that portion of the cost of salaries and wages of nonjudicial personnel of the judicial branch, including associated employer contributions, which shall not exceed the difference between the amount of expenditures that would be required under the judicial branch pay plan for nonjudicial personnel in effect prior to the effective date of this act and the amount of expenditures required under the judicial branch pay plan for nonjudicial personnel after the cost-of-living adjustments and the adjustments for upgrades in pay rates for nonjudicial personnel approved by the chief justice of the Kansas supreme court for fiscal year 2009. For fiscal years commencing on and after June 30, 2010, moneys in such fund shall be used only for the amount attributable to maintenance of the judicial branch pay plan for nonjudicial personnel for such adjustments and upgrades approved by the chief justice of the supreme court for fiscal year 2009.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the judicial branch nonjudicial salary adjustment fund interest earnings based on:

(1) The average daily balance of moneys in the judicial branch nonjudicial salary adjustment fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

~~(e)~~(d) All expenditures from the judicial branch nonjudicial salary adjustment fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

Sec. 3. K.S.A. 2012 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. 2012 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 which is hereby created;
- (2) the Sedgwick county regional forensic science center shall be deposited in the Sedgwick county general fund;
- (3) the Johnson county sheriff's laboratory shall be deposited in the Johnson county sheriff's laboratory analysis fee fund;
- (4) the heart of America regional computer forensics laboratory shall be deposited in the general treasury account maintained by such laboratory; and
- (5) the Wichita-Sedgwick county computer forensic crimes unit shall be retained by the Sedgwick county sheriff. All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office.

(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.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas bureau of investigation forensic laboratory and materials fee fund interest earnings based on:

- (1) The average daily balance of moneys in the Kansas bureau of investigation forensic laboratory and materials fee fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(g) All expenditures from the Kansas bureau of investigation forensic laboratory and materials fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

Sec. 4. K.S.A. 41-1126 is hereby amended to read as follows: 41-1126. (a) In addition to other purposes for which expenditures may be made from the other state fees fund of the department of social and rehabilitation services, moneys in the other state fees fund of the department of social and rehabilitation services shall be used by the secretary of social and rehabilitation services to provide financial assistance to community-based alcoholism and intoxication treatment programs for the following purposes: (1) Matching money under title XX of the federal social security act to purchase treatment services from approved treatment facilities; (2) providing start-up or expansion grants for halfway houses or rehabilitation centers for alcoholics; (3) purchasing services from approved treatment facilities for persons who are needy but who are not eligible for assistance under either title XIX or title XX of the federal social security act, and administrative costs of the alcohol and drug abuse section which shall not exceed 10% of the total moneys in the community alcoholism and intoxication programs fund; and (4) assisting to develop programs for prevention, education, early identification and facility assistance and review team.

(b) No state alcohol treatment program at Topeka state hospital, Osawatomie state hospital, Rainbow mental health facility or Larned state hospital shall receive any moneys under the provisions of subsection (a) of this section.

(c) There is hereby established in the state treasury the community alcoholism and intoxication programs fund.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the community alcoholism and intoxication programs fund interest earnings based on:

(1) The average daily balance of moneys in the community alcoholism and intoxication programs fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(e) All expenditures from the community alcoholism and intoxication programs 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 secretary of social and rehabilitation services or the secretary's designee."

Also on page 7, in line 30, by striking the comma; following line 37, by inserting:

"(e) On the effective date of this act:

(1) The director of accounts and reports shall transfer all moneys in the driving under the influence equipment fund to the driving under the influence fund;

(2) all liabilities of the driving under the influence equipment fund existing prior to that date are hereby imposed on the driving under the influence fund; and

(3) the driving under the influence equipment fund is hereby abolished.

Sec. 6. K.S.A. 2012 Supp. 79-4803 is hereby amended to read as follows: 79-4803. (a) After the transfer of moneys pursuant to K.S.A. 2012 Supp. 79-4806, and amendments thereto:

(1) An amount equal to 10% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the correctional institutions building fund created pursuant to K.S.A. 76-6b09, and amendments thereto, to be appropriated by the legislature for the use and benefit of state correctional institutions as provided in K.S.A. 76-6b09, and amendments thereto; and

(2) an amount equal to 5% of the balance of all moneys credited to the state gaming

revenues fund shall be transferred and credited to the juvenile detention facilities fund.

(b) There is hereby created in the state treasury the juvenile detention facilities fund which shall be administered by the commissioner of juvenile justice. The Kansas advisory group on juvenile justice and delinquency prevention shall review and make recommendations concerning the administration of the fund. All expenditures from the juvenile detention facilities fund shall be for the retirement of debt of facilities for the detention of juveniles; or for the construction, renovation, remodeling or operational costs of facilities for the detention of juveniles in accordance with a grant program which shall be established with grant criteria designed to facilitate the expeditious award and payment of grants for the purposes for which the moneys are intended. "Operational costs" shall not be limited to any per capita reimbursement by the commissioner of juvenile justice for juveniles under the supervision and custody of the commissioner but shall include payments to counties as and for their costs of operating the facility. The commissioner of juvenile justice shall make grants of the moneys credited to the juvenile detention facilities fund for such purposes to counties in accordance with such grant program. All expenditures from the juvenile detention facilities fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or the commissioner's designee.

(c) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the juvenile detention facilities fund interest earnings based on:

(1) The average daily balance of moneys in the juvenile detention facilities fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.";

And by redesignating sections accordingly;

Also on page 7, in line 38, following "K.S.A." by inserting "41-1126 and K.S.A."; also in line 38, by striking "and" and inserting ", 20-1a15, 28-176,"; also in line 38, after "75-5660" by inserting "and 79-4803";

On page 1, in the title, in line 1, by striking "under the influence"; in line 2, by striking "examination" and inserting "reinstatement"; also in line 2, after "fund;" by inserting "judicial branch nonjudicial salary adjustment fund; forensic laboratory and materials fee fund; community alcoholism and intoxication programs fund; juvenile detention facilities fund;"; in line 3, after "K.S.A." by inserting "41-1126 and K.S.A."; also in line 3, by striking the first "and" and inserting ", 20-1a15, 28-176,"; also in line 3, after "75-5660" by inserting "and 79-4803"; in line 4, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **Substitute for HB 2051** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL No. 2051," as follows:

"Senate Substitute for Substitute for HOUSE BILL No. 2051

By Committee on Natural Resources

"AN ACT concerning water; relating to water rights; amending K.S.A. 2012 Supp. 82a-1901 and repealing the existing section.";

and the substitute bill be passed.

Also, **HB 2363**, as amended by House Committee, be amended on page 3, following line 24, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 82a-301 is hereby amended to read as follows: 82a-301.

(a) ~~(1)~~ Except as provided in ~~subsection~~ subsections (c) and (d), without the prior written consent or permit of the chief engineer of the division of water resources of the Kansas department of agriculture, it shall be unlawful for any person, partnership, association, corporation or agency or political subdivision of the state government to: ~~(1)~~

~~(A) Construct, modify or add to any dam or other water obstruction;~~

~~(2) (B) make, construct, modify or permit to be made or constructed any change in any dam or other add to any water obstruction in a designated stream;~~

~~(3) make or permit to be made any change in or addition to any existing water obstruction; or~~

~~(4) (C) change or diminish the course, current, or cross section of any designated stream within this state.~~

~~(2) Any application for any permit or consent shall be made in writing in such form as specified by the chief engineer.~~

~~(3) Jetties or Revetments for the purpose of stabilizing a caving bank which are properly placed shall not be construed as obstructions for the purposes of this section.~~

~~(b) As used in K.S.A. 82a-301 et seq., and amendments thereto;~~

~~(1) "Dam" means any artificial barrier including appurtenant works with the ability to impound water, waste water or other liquids that has a height of 25 feet or more; or has a height of six feet or greater and also has the capacity to impound a storage volume at the top of the emergency spillway elevation of 50 or more acre feet. The height of a dam or barrier shall be determined as follows: (1) A barrier or dam that extends across the natural bed of a stream or watercourse shall be measured from the down stream toe of the barrier or dam to the top of the barrier or dam; or (2) a barrier or dam that does not extend across a stream or watercourse shall be measured from the lowest elevation of the outside limit of the barrier or dam to the top of the barrier or dam measured from the lowest elevation of the streambed, downstream toe or outside limit of the dam to the elevation of the top of the dam.~~

~~(2) "Designated stream" means a natural or man-made channel that conveys drainage or runoff from a watershed having an area of:~~

~~(A) One or more square miles in zone one, which includes all geographic points located in or east of Washington, Clay, Dickinson, Marion, Harvey, Sedgwick or Sumner counties;~~

~~(B) two or more square miles in zone two, which includes all geographic points located west of zone one and in or east of Smith, Osborne, Russell, Barton, Stafford, Pratt or Barber counties; or~~

~~(C) three or more square miles in zone three, which includes all geographic points located west of zone two.~~

~~(c) (1) The prior written consent or permit of the chief engineer shall not apply to water obstructions that meet the following requirements:~~

~~(A) The change in the cross section of a designated stream is obstructed less than 5% and the water obstruction or change is contained within a land area measuring 25 feet or less along the stream length; or~~

~~(B) (i) the water obstruction is not a dam as defined in subsection (b);~~

~~(B)~~ (ii) the water obstruction is not located within an incorporated area;
~~(C)~~ (iii) every part of the water obstruction, and any water impounded by such obstruction, is located more than 300 feet from any property boundary; and
~~(D)~~ (iv) the watershed area above the water obstruction is ~~640 acres~~ five square miles or less.

(2) If the water obstruction does not meet the requirements of subsection ~~(c)(1)(C)~~ ~~(c)(1)(B)(iii)~~, but meets all other requirements of subsection (c)(1)(~~B~~), such water obstruction may be exempted from the permitting requirements of subsection (a) if the chief engineer determines such water obstruction has minimal impact upon safety and property based upon a review of the information, to be provided by the owner, including:

(i) ~~(A)~~ An aerial photo or topographic map depicting the location of the proposed project, the location of the stream, the layout of the water obstruction, the property lines and names and addresses of adjoining property owners; and

(ii) ~~(B)~~ the principal dimensions of the project including, but not limited to, the height above streambed.

(3) Notwithstanding any other provision of this section, the chief engineer may require a permit for any water obstruction described in this subsection if the chief engineer determines such permit is necessary for the protection of life or property.

(d) The prior written consent or permit of the chief engineer shall not be required for construction or modification of a hazard class A dam that:

(1) Has a height of less than 30 feet and a storage volume at the top of the emergency spillway elevation of less than 125 acre feet, and the dam location and dimensions have been registered with the division of water resources in a written form prescribed by the chief engineer; or

(2) is a wastewater storage structure for a confined feeding facility that has been approved by the secretary of health and environment pursuant to K.S.A. 65-171d, and amendments thereto.

Sec. 4. K.S.A. 2012 Supp. 82a-302 is hereby amended to read as follows: 82a-302.

(a) Except as otherwise provided for general permits, each application for the consent or permit required by K.S.A. 82a-301, and amendments thereto, shall be accompanied by complete maps, plans, profiles and specifications of such ~~dam or other water obstruction, or of the changes construction, modification or additions~~ addition proposed to be made ~~in such dam or other water obstruction~~, the required application fee as provided in subsection (b) unless otherwise exempted, and such other data and information as the chief engineer may require. ~~The chief engineer shall maintain a list of licensed professional engineers who may conduct the review of any application for the consent or permit required by K.S.A. 82a-301, and amendments thereto. Such list may include licensed professional engineers employed by a local unit of government. Notwithstanding any law to the contrary, an applicant for the consent or permit required by K.S.A. 82a-301, and amendments thereto, may have the application reviewed by a licensed professional engineer approved by the chief engineer pursuant to this subsection provided such engineer is not an employee of the applicant. If such licensed professional engineer finds that such dam or other water obstruction meets established standards for the construction, modification, operation and maintenance of dams and other water obstructions, such findings shall be submitted in complete form to the chief engineer. Upon such submittance, the chief engineer shall grant such consent or permit~~

~~within 45 days unless the chief engineer finds to the contrary that such dam or other water obstruction does not meet established standards for the construction, modification, operation and maintenance of dams and other water obstructions. If the chief engineer declines to grant such consent or permit based upon a contrary finding, the chief engineer shall provide to the applicant within 15 days a written explanation setting forth the basis for the chief engineer's contrary finding. The chief engineer's action in declining to grant such consent or permit and any hearing related thereto shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Any person aggrieved by any order or decision of the chief engineer shall be entitled to appellate review in accordance with the provisions of the Kansas judicial review act. Such applicant shall pay all costs associated with the review by the licensed professional engineer. The chief engineer shall adopt rules and regulations for the issuance of a general permit which may be issued for projects which require limited supervision and review.~~

~~(b) (1) The application fee for a permit to construct, modify or add to a dam shall be \$200, shall be based upon the stage of construction at the time that a complete application has been submitted. The construction in progress fee shall be applicable for construction begun prior to approval by the chief engineer. Such fee shall be in addition to any other penalty for an unpermitted structure. Such fees shall be as follows:~~

~~— Fees for new dam or dam modification applications~~

Pre-Construction	Construction In Progress
\$200	\$500

~~(2) Permit fees for stream obstructions/channel changes application fee is based upon two criteria and are as follows:~~

~~(A) The drainage area category; and~~

~~(B) the stage of construction when the application is submitted.~~

Drainage Area Category	Pre-Construction	Construction in Progress
Major (Drainage area greater than 50 square miles)	\$500	\$1000
Moderate (Drainage area 5 to 50 square miles)	\$200	\$400
Minor (Drainage area less than 5 square miles)	\$100	\$200
General Permit	\$100	\$200

~~(2) The application fee for a permit to construct, modify, or add to a water obstruction or to change or diminish the course, current or cross section of a stream shall be based on the watershed area.~~

Watershed Area Above the Project	Permit Application Fee
Less than 5 square miles	\$100
Between 5 and 50 square miles	\$200
More than 50 square miles	\$500

~~(3) The application fee for a general permit shall be \$100.~~

~~(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 2012 Supp. 82a-328, and amendments thereto.~~

Sec. 5. K.S.A. 2012 Supp. 82a-303b is hereby amended to read as follows: 82a-303b. (a) (1) In order to secure conformity with adopted rules and regulations and to assure compliance with the terms, conditions or restrictions of any consent or permit granted pursuant to the provisions of K.S.A. 82a-301 through 82a-303, and amendments thereto, the chief engineer or an authorized representative of the chief engineer shall have the power and the duty to inspect any dam or other water obstruction. Upon a finding pursuant to subsection (a) of K.S.A. 82a-303c, and amendments thereto, by the chief engineer that a dam is unsafe, the chief engineer shall order an annual inspection of the dam until it is either in compliance with all applicable provisions of this act, any rules and regulations promulgated pursuant to this act, permit conditions and orders of the chief engineer; or the dam is removed. The safety inspection shall be conducted by the chief engineer or authorized representative and the cost shall be paid by the dam owner. The class and size of a dam ~~provided for by the provisions of this act~~ shall be defined by rules and regulations adopted by the chief engineer pursuant to K.S.A. 82a-303a, and amendments thereto. Inspection fees are as follows:

Size of Dam	Inspection fee
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$4,000

(2) Each hazard class C dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every three years, unless otherwise ordered by the chief engineer.

(3) Each hazard class B dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every five years unless otherwise ordered by the chief engineer.

(4) Within 60 days of the date of inspection, a report of the inspection shall be provided to the chief engineer by the licensed professional engineer who conducted the inspection. The report shall document the physical condition of the dam, describing any deficiencies observed, an analysis of the capacity of the dam and its spillway works, compliance of the dam with approved plans and permit conditions, changes observed in the condition of the dam since the previous inspection, an assessment of the hazard classification of the dam including a statement that the engineer either agrees or disagrees with the current classification, and any other information relevant to the safety of the dam or specifically requested by the chief engineer.

(5) Upon failure of a dam owner to comply with the applicable inspection interval, the chief engineer or such chief engineer's authorized representative shall conduct a mandatory inspection of the dam and the costs as established by this act for the inspection shall be paid by the owner, in addition to any other remedies provided for violations of this act.

(6) The failure to file a complete and timely report as required by the provisions of this act, or the failure to submit the fees assessed for inspections conducted by the chief engineer or ~~such the~~ chief engineer's authorized representative shall be deemed a violation of this act and subject to the penalties provided by K.S.A. 82a-305a, and amendments thereto.

(b) For the purpose of inspecting any dam or other water obstruction, the chief engineer or an authorized representative of the chief engineer shall have the right of access to private property. Costs for any work which may be required by the chief engineer or the authorized representative prior to or as a result of the inspection of a dam or other water obstruction shall be paid by the owner, governmental agency or operator of such dam or other water obstruction.

(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 2012 Supp. 82a-328, and amendments thereto.

Sec. 6. K.S.A. 82a-307 is hereby amended to read as follows: 82a-307. (a) Upon petition of fifty (50) 50 taxpayers of any county of this state, owning land in the flood plain of any river in such county, or upon enactment of a resolution by the county commission of such county, the board of county commissioners of each county in this state are hereby authorized within their respective jurisdictions to clean and maintain the banks and channels of the streams and watercourses within definitely established bank lines, as provided in K.S.A. 82a-307a, and to keep said such streams free of drift, trees and other obstructions, for the purpose of reducing floods and overflows; and for the purposes aforesaid. Upon such petition or resolution, the board of county commissioners may remove debris pursuant to this section, but shall not scalp or extract streambeds.

(b) The said board of county commissioners, having obtained written permission from the landowner, may enter upon private property, if necessary, to clean and maintain such streams, doing as little damage as possible thereto; and when, if material damage shall be is done to any property, said the commissioners shall allow reasonable compensation therefor; when claimed by the owner thereof, if said the landowner presents a claim is presented in writing to said the board within ten (10) 60 days from the date of the removal of said obstruction; and that such alleged material damage.

(c) Nothing in this act shall be construed to permit the board of county commissioners of any county to remove or destroy any permanent improvement, including dams and bridges, in and over such streams, providing such improvements, dams or bridges have been lawfully placed thereon.

Sec. 7. K.S.A. 2012 Supp. 82a-326 is hereby amended to read as follows: 82a-326. When used in this act:

(a) "Water development project" means any project or plan which ~~may be allowed or permitted~~ requires a permit pursuant to K.S.A. 24-126, 24-1213, 82a-301 et seq., and amendments thereto, or the multipurpose small lakes program act, ~~and amendments thereto;~~

(b) "environmental review agencies" means the:

- (1) Kansas department of wildlife, parks and tourism;
- (2) Kansas forest service;
- (3) state biological survey;
- (4) Kansas department of health and environment;
- (5) state historical society;
- (6) Kansas department of agriculture division of conservation; and
- (7) state corporation commission.";

And by renumbering sections accordingly;

Also on page 3, in line 25, after "K.S.A." by inserting "82a-307 and K.S.A."; also in line 25, by striking "82a-734 is" and by inserting "82a-301, 82a-302, 82a-303b, 82a-326 and 82a-734 are";

On page 1, in the title, in line 2, by striking all before "K.S.A." and inserting "streams, dams and obstructions; amending K.S.A. 82a-307 and"; also in line 2, after "Supp." by inserting "82a-301, 82a-302, 82a-303b, 82a-326 and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2201**, as amended by House Committee, be amended on page 1, in line 11, by striking "and ensure that" and inserting ", the Kansas universal service fund, the federal universal service fund, the creation of a state broadband fund to support the deployment of advanced telecommunications capability to all areas of the state, the statement of"; in line 12, by striking ", is maintained, with"; by striking all in line 13; in line 14, by striking "infrastructure" and inserting "and other telecommunications issues determined by the legislative coordinating council"; in line 15, after "(b)" by inserting "(1)"; also in line 15, by striking "13" and inserting "20"; also in line 15, by striking ", as"; by striking all in lines 16 and 17 and inserting a period; in line 18, by striking all after "(2)"; by striking all in lines 19 through 24; in line 25, by striking "representatives" and inserting "Nine members shall be from the senate committee on utilities as follows:

- (A) The chairperson, vice-chairperson and ranking minority member;
 - (B) five members appointed by the president of the senate; and
 - (C) one member appointed by the minority leader of the senate.
- (3) Eleven members shall be from the house committee on utilities and telecommunications as follows:

- (A) The chairperson, vice-chairperson and ranking minority member;
- (B) seven members appointed by the speaker of the house of representatives; and
- (C) one member appointed by the minority leader of the house of representatives";

Also on page 1, in line 27, by striking "2016" and inserting "2015";

On page 2, in line 11, after "(g)" by inserting "(1) The department of revenue shall administer an audit of the Kansas universal service fund. The audit shall examine the overall efficiency and effectiveness of the KUSF. The department shall submit a final audit report to the telecommunications study committee on or before November 1, 2014.

(2) The telecommunications study committee shall determine the scope of the audit. The audit may include an analysis of the following:

- (A) The total amount of KUSF support received expressed on a per-line basis;
- (B) the total amount of rural utilities service debt or other debt, by recipient or related entity, and the maturity date, amortization and security for such debt;
- (C) the capital expenditures on technology by type;
- (D) affiliate transactions and transfers; and
- (E) the compensation received by the recipient's executives, partners, members and board.

(3) The department may review or request any document filed with the commission, including confidential data, so long as a non-disclosure agreement is signed by the auditors.

(4) The cost of the audit shall be paid from the KUSF.

(h) ";

And by redesignating subsections accordingly;

Also on page 2, in line 16, by striking "final"; in line 19, by striking "31, 2016" and inserting "16, 2015"; in line 27, by striking "2016" and inserting "2015";

On page 6, in line 36, by striking the last "and"; in line 43, by striking the period and inserting "; and" following line 43, by inserting:

"(n) report to the senate committee on utilities and the house committee on utilities and telecommunications by January 15, 2014 concerning the status of the federal communications commission's further notice of proposed rulemaking regarding Internet Protocol to Internet Protocol interconnection in WC docket nos. 10-90 et al., including, but not limited to, any final, non-appealable order issued in that proceeding regarding obligations to interconnect for the exchange of voice traffic regardless of the technology used to transmit that traffic that requires implementation by the commission.";

On page 22, in line 16, by striking "and"; in line 22, by striking the period and inserting "; and"; following line 22, by inserting:

"(G) administer consumer complaints against telecommunications carriers and electing carriers to investigate fraud, undue discrimination and other practices harmful to consumers, but the commission shall not use this authority to regulate telecommunications carriers or electing carriers beyond the jurisdiction provided the commission in this subsection.";

On page 25, in line 19, after "at" by inserting "the lesser of:

(A) ";

Also on page 25, in line 20, by striking ", not including" and inserting "; or

(B) \$11,400,000.

The amounts prescribed in subparagraph (A) or (B) shall not include";

On page 26, in line 20, after "(d)" by inserting "(1) Subject to paragraph (2), the commission may periodically review the KUSF to determine if the costs of qualified telecommunications public utilities, telecommunications carriers and wireless telecommunications service providers to provide local service justify modification of the KUSF. If the commission determines that any changes are needed, the commission shall modify the KUSF accordingly and annually report such changes to the senate standing committee on utilities and the house standing committee on utilities and telecommunications.

(2) ";

Also on page 26, by striking all in lines 35 through 43;

On page 27, by striking all in lines 1 through 17; in line 18, by striking "(f)" and inserting "(e) (1)"; in line 29, after "subsection" by inserting ", except that the total KUSF distributions made to all local exchange carriers operating under traditional rate of return regulation pursuant to subsection (b) of K.S.A. 66-2005, and amendments thereto, shall not exceed an annual \$29,000,000 cap. A waiver of the cap shall be granted based on a demonstration by a carrier that such carrier would experience significant hardship due to force majeure or natural disaster as determined by the commission";

Also on page 27, following line 35, by inserting:

"(2) Notwithstanding any other provision of law, no KUSF support received by a local exchange carrier electing pursuant to subsection (b) of K.S.A. 66-2005, and amendments thereto, to operate under traditional rate of return regulation shall be used to offset any loss of federal universal service fund support for such carrier.";

And redesignating remaining subsection accordingly;

On page 30, following line 40, by inserting:

"Sec. 13. K.S.A. 2012 Supp. 75-7224 is hereby amended to read as follows: 75-7224. (a) The board shall:

(1) Provide a program to facilitate the use of broadband technology-based video communication for distance learning and telemedicine by schools, libraries and hospitals;

(2) transition schools, libraries and hospitals that have a direct KAN-ED connection as of January 1, 2012, to a commercially provided broadband internet connection no later than June 30, 2013. At the time a school, library or hospital has been transitioned off a KAN-ED connection, the board shall pay up to \$350 per month to such school, library or hospital for the cost of broadband service until June 30, 2013;

(3) provide the secretary of commerce any information necessary to conduct the needs assessment described in subsection (b);

(4) assist schools, libraries and hospitals to apply for federal grants to be used for purposes consistent with this act; and

(5) collect data regarding:

(A) Distance learning and telemedicine usage; and

(B) the volume of data accessed.

The board shall develop a methodology for updating and validating any data collected for periodic revisions of the program, standards and priorities.

(b) (1) The secretary of commerce shall facilitate the execution of the needs assessment and the creation of the report. The secretary shall contract with a third party that has expertise in telecommunications services for educational institutions to conduct such needs assessment and create such report.

(2) The needs assessment shall include, for each school, library and hospital connected to the network as of January 1, 2012: Current and future broadband service and quality needs and a determination of all KAN-ED expenses for shared services or infrastructure, including any costs deferred by federal moneys, that are providing services and network connections. Based on the results of the needs assessment, the secretary of commerce, in coordination with the third party contractor, shall create a report that: (A) Compares the utilization, efficiency and effectiveness of KAN-ED to other similar programs in other states for schools, libraries and hospitals; (B) determines if the KAN-ED program, as of the effective date of this act, is worth its cost in terms of price, service, quality, needed network upgrades and increased utilization of broadband by schools, libraries and hospitals; (C) determines if there are alternative models or opportunities for broadband procurement by schools, libraries and hospitals; (D) determines if the services and applications offered by KAN-ED lead to full utilization of broadband technology by schools, libraries, hospitals and their surrounding communities; and (E) recommends any cost-effective broadband services that are available.

(3) The board shall reimburse the cost of conducting such needs assessment and report described in paragraph (2), not to exceed \$250,000.

(4) The results of such needs assessment and the report shall be submitted to the board on or before January 1, 2013.

(c) The board may request and receive assistance from any school, any library, any hospital, the state corporation commission, any other agency of the state or any telecommunications, cable or other communications services provider to gather necessary data to implement such program.

(d) The board shall establish: (1) Technical standards for operation and maintenance of the program; (2) the method of monitoring operations of the program; and (3) the method or methods of adjusting the program to reflect the needs of schools, libraries and hospitals as determined by the needs assessment or ongoing data collection for each such entity. Such standards and methods shall be included in the board's report to the legislature pursuant to K.S.A. 2012 Supp. 75-7226, and amendments thereto.

(e) Based on the findings of the needs assessments or collected data, the board shall develop a plan to: (1) Facilitate the use of broadband technology-based video communication for distance learning and telemedicine by schools, libraries and hospitals; and (2) transition schools, libraries and hospitals that have a direct KAN-ED connection as of January 1, 2012, to a commercially provided broadband internet connection no later than June 30, 2013. The plan may require users of the program to bear part of its cost. Such plan shall be included in the board's report to the legislature pursuant to K.S.A. 2012 Supp. 75-7226, and amendments thereto.

(f) The board may appoint such advisory committees as the board determines necessary to carry out the purposes of this act. The membership of advisory committees may include both members of the board and persons who are not board members. Such advisory committees, to the extent appropriate, shall include both communications services providers and participants knowledgeable about topics such as network facilities and services, distance learning and telemedicine, user training and such other topics as may be necessary or useful. Members of advisory committees appointed by the board shall receive amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(g) The board shall have all other powers necessary to achieve the purposes of this act, including, but not limited to, the power to: (1) Fix, charge and collect user fees for services provided by the KAN-ED program in accordance with the plan developed pursuant to subsection (e); and (2) receive any appropriations, fees, donations, grants, bequests and devises, conditional and otherwise, of money, property, services or other things of value for the purposes of this act.

(h) The state department of education, the office of information technology services of the department of administration, the state corporation commission and all other state agencies shall cooperate with the board in providing information and other assistance requested by the board for the performance of its duties pursuant to this act at no cost to such agencies.";

And by renumbering sections accordingly;

Also on page 30, in line 43, by striking "and" and inserting a comma; also in line 43, after "66-2009" by inserting "and 75-7224";

On page 1, in the title, in line 4, after the semicolon by inserting "concerning KAN-ED;"; in line 6, by striking the first "and" and inserting a comma; also in line 6, after "66-2009" by inserting "and 75-7224"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2234**, as amended by House Committee of the Whole, be amended on page 2, in line 1, by striking "and tourism"; in line 13, by striking "(c)"; following line 19, by inserting:

"(c) (1) On the effect date of this act, the secretary of transportation shall serve as the chief executive officer and chairperson of the authority. The chief executive officer shall be responsible for the daily administration of the toll roads, bridges, structures and facilities constructed, maintained or operated pursuant to this act. The chief executive officer or the chief executive officer's designee shall have such powers as are necessary to carry out these responsibilities.

(2) On July 1, 2015, the authority shall elect one member as chairperson.";

Also on page 2, in line 20, before "The" by inserting "(d)"; in line 21, by striking "chairperson of the authority and another as"; in line 24, before "vice-chairperson" by striking "chairperson,"; in line 30, by striking "(d)" and inserting "(e)"; in line 36, after "(a) " by inserting "On the effective date of this act,"; in line 39, before ", either" by inserting "and other resources";

On page 3, by striking all in line 5; in line 7, after "(b)" by inserting:

"On and after July 1, 2015, the secretary of transportation and the Kansas turnpike authority are hereby authorized and empowered to contract with each other, by the terms of which contract or contracts the secretary may undertake: (1) To provide personnel and equipment, either of the department of transportation or consulting or contracting firms, required in making any traffic and cost studies or surveys or origin-destination studies necessary preliminary to financing by the Kansas turnpike authority of any particular toll project undertaken as authorized by law, and to do such work; and

(2) to provide personnel and equipment required, and to do any engineering, geological work, soils testing or materials testing which may be required by the Kansas turnpike authority either preliminary to the financing of any particular toll project authorized by law or which may be required after such financing and during the construction of such project. Such charges for services contemplated by such project shall be made by the secretary of transportation on the basis of the total and actual cost to the department of all wages, salaries, expenses, equipment rental, damage to equipment, depreciation or other charges and expenses chargeable to the services to be rendered to the Kansas turnpike authority. The total amount of any amounts charged to the authority shall not at any one time exceed the sum of \$250,000.

(c) ";

Also on page 3, in line 9, before the period, by inserting ", under the management of the Kansas department of transportation"; in line 14, by striking "temporary"; in line 15, by striking ", and the secretary to the authority,"; in line 18, following the period, by inserting "The provisions of this subsection shall expire on July 1, 2015.";

On page 4, in line 2, by striking "and" and inserting a comma; also in line 2, after "68-20,119" by inserting "and 75-5028";

On page 1, in the title, in line 4, after "transportation;" by inserting "concerning purchase of certain real estate;"; in line 19, by striking "and" and inserting a comma; also in line 19, after "68-20,119" by inserting "and 75-5028"; and the bill be passed as amended.

Also, **HB 2352** be amended on page 1, following line 6, by inserting:

"Section 1. K.S.A. 20-2610a is hereby amended to read as follows: 20-2610a. (a) A judge may elect to have such judge's retirement annuity paid under one of the options provided in this section in lieu of having it paid in the form stated in K.S.A. 20-2610, and amendments thereto. Such election shall be made before the date of actual retirement. A specific person shall be designated as joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. ~~Under no circumstances may~~ Except as specifically provided in this subsection, an option elected by a member as provided in this section shall not be changed or canceled nor shall the named joint annuitant be changed after the date of actual retirement of the judge. If a retirant is divorced after the retirant's date of actual retirement, and the retirant has named the retirant's ex-spouse as a joint annuitant under subsection (c), the joint annuitant option may be canceled and the retirant's benefit returned to the maximum amount of such retirant's retirement benefit commencing the first month following the date such cancellation is ordered by the district court of the county where the divorce action was filed. The retirant shall not receive a refund or interest of any amounts already paid to fund the original joint annuitant benefit. The retirant may not name a subsequent joint annuitant once the original joint annuitant option has been canceled.

(b) The amount of retirement annuity payable under an option shall be based on the age of the judge and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, as prescribed in subsection (c). Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion. In no case shall the total amount of retirement annuity payable under any option provided in this section be more than 100% of the retirement annuity which would have been otherwise payable if no option had been elected under this section.

(c) The following retirement options, which are subject to the provisions of K.S.A. 74-49,123, and amendments thereto, are available:

(1) *Joint and $\frac{1}{2}$ to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and (B) the percentage equal to 91% minus 0.4% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus 0.4% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with $\frac{1}{2}$ of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(2) *Joint and survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and (B) the percentage equal to 83% minus 0.6% for each year by which the

age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus 0.6% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(3) *Joint and $\frac{3}{4}$ to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and (B) the percentage equal to 87% minus 0.5% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus 0.5% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with $\frac{3}{4}$ of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(4) *Life with 5 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and if the judge dies within the five-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the five-year certain period.

(5) *Life with 10 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 95% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and if the judge dies within the ten-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the ten-year certain period.

(6) *Life with 15 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 88% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and if the judge dies within the fifteen-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the fifteen-year certain period.

(7) *Lump sum payment at retirement.* (A) Pursuant to this option, the judge must specify a lump sum amount to be paid to the judge upon the judge's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 20-2610, and amendments thereto. The lump sum amount designated by the judge must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the benefit provided in K.S.A. 20-2610, and amendments thereto. If the judge's

spouse elects a lump sum payment as provided in this section pursuant to the provisions of subsection (d), the lump sum payment will be based on the present value of the retirement option selected by the spouse. The lump sum amount designated by the spouse must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the option selected in this section.

(B) Pursuant to this option, the judge must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 20-2610, and amendments thereto, or subsections (c)(1) through (c)(6) of this section.

(C) In the event that the designated joint annuitant pursuant to subsection (c)(1), (c)(2) or (c)(3), under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under the option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(D) The provisions of this subsection shall be effective on and after July 1, 2001.

(d) If a judge, who is eligible to retire, dies without having actually retired, the judge's spouse, if the spouse is the sole beneficiary for the judge's accumulated contributions, may elect to receive benefits as a joint annuitant under one of the options provided in this section in lieu of receiving the judge's accumulated contributions.

(e) On and after May 1, 2004, if a judge with 10 or more years of credited service dies before attaining retirement age, the judge's spouse, if the spouse is the sole beneficiary for the judge's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the judge's accumulated contributions. Payments under one of the options provided in this section to the judge's spouse if so elected, shall commence on the date that the judge would have been eligible for normal retirement pursuant to subsection (a) of K.S.A. 20-2608, and amendments thereto, or would have been eligible for early retirement pursuant to subsection (b) or (c) of K.S.A. 20-2608, and amendments thereto, if such early retirement date occurs earlier.

(f) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(g) The provisions of the law in effect on the retirement date of a judge under the retirement system for judges shall govern the retirement annuity payable to the retired judge and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for judges who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (c)(1), (2) or (3), as applicable, predeceased the judge, the amount of the retirement benefit otherwise payable to the judge under the option provided in subsection (c)(1), (2) or (3), as applicable, shall be adjusted automatically to the retirement benefit which the judge would have received if no option had been elected under this section.

(h) Upon the death of a joint annuitant who is receiving a retirement benefit under the provisions of this section, there shall be paid to such joint annuitant's beneficiary an amount equal to the excess, if any, of the accumulated contributions of the retired judge over the sum of all retirement benefit payments made to such retired judge and such joint annuitant. Such joint annuitant shall designate a beneficiary by filing in the office

of the retirement system such designation at the time of death of the retired judge. If there is no named beneficiary of such joint annuitant living at the time of death of such joint annuitant, any amount provided for by this section shall be paid to, in order of preference as follows:

- (1) The joint annuitant's surviving spouse;
 - (2) the joint annuitant's dependent child or children;
 - (3) the joint annuitant's dependent parent or parents;
 - (4) the joint annuitant's nondependent child or children;
 - (5) the joint annuitant's nondependent parent or parents; or
 - (6) the estate of the deceased joint annuitant.
- (i) In any event, benefits shall be adjusted as necessary to satisfy the incidental death benefits regulations under the federal internal revenue code.";

On page 4, following line 38, by inserting:

"Sec. 4. K.S.A. 2012 Supp. 74-4964 is hereby amended to read as follows: 74-4964. (1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in subsections (1) and (2) of K.S.A. 74-4958, and amendments thereto. Such election must be made before the date of actual retirement. Only a specific individual person may be designated as a joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. Under no circumstances may. Except as specifically provided in this subsection, an option elected by a member as provided in this section shall not be changed or canceled nor shall the named joint annuitant be changed after the date of actual retirement of the member. If a retirant is divorced after the retirant's date of actual retirement, and the retirant has named the retirant's ex-spouse as a joint annuitant under subsection (5), the joint annuitant option may be canceled and the retirant's benefit returned to the maximum amount of such retirant's retirement benefit commencing the first month following the date such cancellation is ordered by the district court of the county where the divorce action was filed. The retirant shall not receive a refund or interest of any amounts already paid to fund the original joint annuitant benefit. The retirant may not name a subsequent joint annuitant once the original joint annuitant option has been canceled.

(2) The amount of a retirement benefit payable under an option shall be based on the age of the member and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement benefit otherwise payable under subsections (1) or (2) of K.S.A. 74-4958, and amendments thereto, as prescribed under subsection (5). In no case shall the total amount of retirement benefit paid under any option provided in this section be more than 100% of the retirement benefit which would have been otherwise payable if no option had been elected under this section.

(3) If a member who was, up to the entry date of such member's employer, covered by a pension system under the provisions of K.S.A. 13-14a01 to 13-14a14, inclusive or 14-10a01 through 14-10a15, inclusive, and amendments thereto, so elects one of the options under this section, payment of such option shall be in lieu of any payments provided in subsection (3) of K.S.A. 74-4958, and amendments thereto.

(4) Such election of an option shall become null and void upon the death of a member prior to such member's retirement, except that if a member, who is eligible to retire in accordance with the provisions of subsections (1) and (2) of K.S.A. 74-4958, and amendments thereto, dies without having actually retired the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, and no benefits are payable under subsections (1) and (2) of K.S.A. 74-4959, and amendments thereto, may elect to receive benefits under one of the options provided in this section, in lieu of receiving the member's accumulated contributions.

(5) The following retirement options which are subject to the provisions of K.S.A. 74-49,123, and amendments thereto, are available:

(A) *Joint and 1/2 to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958, and amendments thereto and (B) the percentage equal to 94.5% minus 0.2% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus 0.2% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with 1/2 of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(B) *Joint and survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958, and amendments thereto and (B) the percentage equal to 88% minus 0.4% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus 0.4% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(C) *Joint and 3/4 to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958, and amendments thereto and (B) the percentage equal to 91% minus 0.3% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus 0.3% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with 3/4 of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall

be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(D) *Life with 5 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 99% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958, and amendments thereto, and if the retirant dies within the five-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the five-year certain period.

(E) *Life with 10 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958, and amendments thereto, and if the retirant dies within the ten-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the ten-year certain period.

(F) *Life with 15 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 92% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958, and amendments thereto, and if the retirant dies within the fifteen-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the fifteen-year certain period.

(G) *Lump sum payment at retirement.* (i) Pursuant to this option, the member must specify a lump sum amount to be paid to the member upon the member's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 74-4958, and amendments thereto. The lump sum amount designated by the member must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the benefit provided in K.S.A. 74-4958, and amendments thereto. If the member's spouse elects a lump sum payment as provided in this section pursuant to the provisions of subsection (6), the lump sum payment will be based on the present value of the retirement option selected by the spouse. The lump sum amount designated by the spouse must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the option selected in this section.

(ii) Pursuant to this option, the member must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 74-4958, and amendments thereto, or subsections (5)(A) through (5)(F) of this section.

(iii) In the event that the designated joint annuitant pursuant to subsection (5)(A), (5)(B) or (5)(C) under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(iv) The provisions of this subsection shall be effective on and after July 1, 2001.

(6) On and after July 1, 1996, if a member with 20 or more years of credited service dies before attaining retirement age, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the member's accumulated contributions or in lieu of receiving benefits as provided in K.S.A. 74-4959, and amendments thereto. Payments under one of the options provided in this section to the member's spouse if so elected, shall commence on the date that the

member would have attained retirement age.

(7) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(8) The provisions of the law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for retirants who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (5)(A), (B) or (C), as applicable, predeceased the retirant, the amount of the retirement benefit otherwise payable to the retirant under the option provided in subsection (5)(A), (B) or (C), as applicable, shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(9) Upon the death of a joint annuitant who is receiving a retirement benefit under the provisions of this section, there shall be paid to such joint annuitant's beneficiary an amount equal to the excess, if any, of the accumulated contributions of the retirant over the sum of all retirement benefit payments made to such retirant and such joint annuitant. Such joint annuitant shall designate a beneficiary by filing in the office of the retirement system such designation at the time of death of the retirant. If there is no named beneficiary of such joint annuitant living at the time of death of such joint annuitant, any amount provided for by this section shall be paid to, in order of preference as follows:

- (A) The joint annuitant's surviving spouse;
- (B) the joint annuitant's dependent child or children;
- (C) the joint annuitant's dependent parent or parents;
- (D) the joint annuitant's nondependent child or children;
- (E) the joint annuitant's nondependent parent or parents; or
- (F) the estate of the deceased joint annuitant.

(10) The provisions of this section shall apply only to members who were appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a, and amendments thereto.";

And by renumbering sections accordingly;

On page 6, in line 27, after "K.S.A." by inserting "20-2610a,"; also in line 27, after "74-4965" by inserting "and K.S.A. 2012 Supp. 74-4964";

On page 1, in the title, in line 3, after "contributions;" by inserting "joint annuity options; judges retirement system;"; also in line 3, after "K.S.A." by inserting "20-2610a,"; in line 4, after "and" by inserting "K.S.A. 2012 Supp. 74-4964 and"; and the bill be passed as amended.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2120**, requests a conference and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2093**, requests a conference and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2120**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2093**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Tuesday, March 26, 2013.

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, March 26, 2013, 9:00 a.m.

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

Heavenly Father, during these incredibly busy days help us to remember the balance we must keep between asking more of ourselves than we can do, and not asking enough. Remind us that when we push ourselves beyond our limits we often are less able to communicate with grace and make decisions with full integrity. Dear Lord, our Senators and Staff work very hard to meet the deadlines, yet in fulfillment of their charge, they also must rest so that all that can be done will be done. In your name we pray. Amen

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

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to introduce Delta Sigma Theta sorority members, celebrating their Centennial Year. Senator Faust-Goudeau also made remarks. Senators honored those in attendance with a standing ovation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 243, SB 244; SCR 1612, SCR 1613.**

Ways and Means: **HB 2381.**

CHANGE OF REFERENCE

By the authority granted by the President, Vice President King withdrew **SB 54** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1740—

A RESOLUTION congratulating Rod Garman on being named
Kansas Elementary School Principal of the Year.

WHEREAS, Rod Garman was named Kansas Elementary School Principal of the Year by the Kansas Association of Elementary School Principals. This will make Mr. Garman a nominee for National Distinguished Elementary School Principal of the Year, who will be selected in October 2013; and

WHEREAS, Mr. Garman is the principal of North Fairview Elementary School in Topeka, Kansas, which is part of the Seaman school district. The award was presented to Mr. Garman during a presentation at North Fairview's daily morning assembly; and

WHEREAS, The superintendent of the Seaman school district, Mike Mathes, stated, "We are very excited and not at all surprised that Mr. Garman was selected. Rod started his career in our district and now as principal continues to show the excellence we have become accustomed to from him."; and

WHEREAS, Mr. Garman is the third Seaman principal in 10 years to earn a statewide Principal of the Year award. He started his career student teaching at Elmont Elementary and returned to the district in 2011 after a career in other districts; and

WHEREAS, Mr. Garman is known throughout his school district for being very student and parent oriented. He is an outstanding educator and a perfect candidate to receive this award: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Rod Garman on being named Kansas Elementary School Principal of the Year. We thank him for his great service to the students of Kansas, and we extend our best wishes for his success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1740** was adopted unanimously.

Senator Kelly introduced Rod Garman, his wife, Kristen Garman, and sons Cooper and Janson. Also present were the Superintendent of Schools for the Seaman district and Seaman board members and district staff.

The Senators honored Mr. Garman and guests with a standing ovation.

Senators V. Schmidt and Masterson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1742—

A RESOLUTION recognizing March 26th
as American Diabetes Association Alert Day.

WHEREAS, The state of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, Diabetes is a devastating disease that affects nearly 26 million Americans, including 8.6% of Kansas adults. More than 179,000 Kansans have been diagnosed with diabetes and over 90% of those Kansans have type 2 diabetes, which can be prevented or delayed. If current trends continue, one out of every three American adults will have diabetes by 2050; and

WHEREAS, The prevalence of diabetes is significantly higher among Kansas adults 18 years and older who are obese (16.1%) as compared to those who are not obese (5.4%). Obesity is one of the most well-established and modifiable risk factors for diabetes; and

WHEREAS, Approximately 79 million, or one in three American adults have pre-

diabetes, which means that their blood sugar is higher than normal, but not high enough to be classified as diabetes. Without intervention, individuals with pre-diabetes are at a much higher risk for developing type 2 diabetes. The American Diabetes Association estimates that the total cost of diagnosed diabetes in the United States is \$174 billion. Studies suggest that when additional costs for gestational diabetes, pre-diabetes and undiagnosed diabetes are included, the total diabetes-related costs in the United States could exceed \$218 billion; and

WHEREAS, Early detection and disease management can help prevent complications of diabetes, including cardiovascular disease, blindness, nervous system damage and kidney failure; and

WHEREAS, Reducing the burden associated with diabetes may be enhanced through the state Kansas Medicaid reform efforts; and

WHEREAS, Diabetes advocates and stakeholders from across the state, including representatives from disparate populations, have come together to form the Chronic Disease Action of Kansas to develop and implement the Kansas Diabetes Plan 2008-2013, which is a 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 2008-2013 are to increase awareness of prevention and to control diabetes, improve the capacity to address the prevention and control of diabetes, increase Kansas health care workforce competency in diabetes standards of care, improve awareness of and access to public policy to support improving diabetes prevention, detection, and care throughout Kansas; and

WHEREAS, At the end of 2012 the American Diabetes Association surpassed their goal of inspiring one million Americans to be a part of the American Diabetes Association's movement to stop diabetes. To continue this momentum, the American Diabetes Association is asking the American public to "Take it. Share it." by rallying one million people to take the diabetes risk test beginning on Diabetes Alert Day on March 26, 2013: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we hereby endorse the Kansas Diabetes Plan 2008-2013, recognize March 26th as American Diabetes Association Alert Day in the state of Kansas and invite the Kansas Diabetes Action Council to submit a final report to the state legislature in 2013 on the results of the Kansas Diabetes Plan 2008-2013; and

Be it further resolved: That the Secretary of the Senate shall send five enrolled copies of this resolution to Senators V. Schmidt and Masterson.

On emergency motion of Senator V. Schmidt **SR 1742** was adopted unanimously.

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

SENATE RESOLUTION No. 1741—

A RESOLUTION congratulating Jim Halsey on his numerous musical accomplishments including being inducted into the Kansas Music Hall of Fame.

WHEREAS, Jim Halsey was born in 1930 in Independence, Kansas. He has a career spanning more than 60 years as a premier artist manager, agent and impresario. Jim discovered and guided the careers of a staggering list of country and popular music figures from 1949 and into 2012; and

WHEREAS, After promoting Hank Thompson shows in the area in 1950, Thompson approached Jim Halsey about being his agent, which led Halsey to form The Jim Halsey

Co. Talent Agency with Thompson as his first client in 1951; and

WHEREAS, Halsey became Roy Clark's manager in 1961 and guided him to popular music and television stardom, a professional relationship that continues to this day; and

WHEREAS, After growing to between forty and fifty major stars, The Jim Halsey Company was the largest country music agency in the world. Jim Halsey managed famous stars including Wanda Jackson, Clint Black, Conway Twitty, Roy Orbison, Willie Nelson and the Osmond Brothers. Halsey remains the personal manager of the Oak Ridge Boys, continuing to supervise their career; and

WHEREAS, In 1990, the booking agency division of The Jim Halsey Company, Inc. was sold to the William Morris Agency, where Halsey remained a consultant for years. Since the mid-1990s, Jim Halsey has been focused on education, serving as director of the award-winning Music and Entertainment Business Program at Oklahoma City University. He also created The Halsey Institute of Music and Entertainment Business, an online internet school, and he lectures extensively around the world; and

WHEREAS, Jim Halsey has served on several boards of directors and has won numerous awards from many prestigious music industry organizations, including being inducted into the Kansas Music Hall of Fame in 2009. Jim Halsey was also very instrumental in starting the Kansas Celebrity Hall of Fame: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Jim Halsey on his many accomplishments. His love of the arts, specifically music, serves as an inspiration to all Kansans. His contributions to the music industry are remarkable, and we thank him for his hard work in country music; and

Be it further resolved: That the Secretary of the Senate be directed to provide ten enrolled copies of this resolution to Senator King.

On emergency motion of Senator King **SR 1741** was adopted unanimously.

Also introduced were Rob Morgan, photographer and reporter for the Independence Daily Reporter; Mike Flood, President, Kansas Celebrity Hall of Fame; Ray Rothgeb, President, Independence Historical Museum; and, Debbie Puryear, Director of the Independence Convention and Visitors Bureau.

The Senators honored the guests with a standing ovation.

ORIGINAL MOTION

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2025**.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2078**.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **HB 2109**.

The Vice President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **Sub HB 2183**.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees

on the part of the Senate.

MESSAGE FROM THE HOUSE

Announcing passage of **Sub HB 2002, HB 2057, HB 2101; Sub HB 2262; HB 2338, HB 2377, HB 2387, HB 2389.**

Announcing adoption of **HCR 5014.**

Announcing passage of **SB 24, SB 25, SB 37, SB 58, SB 68, SB 74, SB 75, SB 118, SB 135, SB 139, SB 166.**

Also, passage of **SB 1**, as amended; **SB 16**, as amended; **SB 88**, as amended; **SB 96**, as amended; **SB 122**, as amended; **SB 124**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Sub HB 2002, HB 2057, HB 2101; Sub HB 2262; HB 2338, HB 2377, HB 2387, HB 2389; HCR 5014 were thereupon introduced and read by title.

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 20** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 56** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Sub SB 57** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 81** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 102** and has appointed Representatives DeGraaf, Howell and Lane as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 120** and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Masterson the Senate nonconcurrred in the House amendments to **SB 1** and requested a conference committee be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurrred in the House amendments to **SB 16** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Vice President King the Senate nonconcurrred in the House amendments to **SB 88** and requested a conference committee be appointed.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to

SB 96 and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurred in the House amendments to **SB 122** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator King the Senate nonconcurred in the House amendments to **SB 124** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

FINAL ACTION ON CONSENT CALENDAR

HB 2144, HB 2163, HB 2169, HB 2181, HB 2205, HB 2212 and **HB 2269** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2144, AN ACT concerning children and minors; relating to the repeal of outdated provisions concerning juveniles; amending K.S.A. 2012 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2012 Supp. 38-1604, 38-1608 and 38-1664.

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

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

The bill passed.

HB 2163, AN ACT concerning civil procedure; relating to garnishment proceedings; amending K.S.A. 2012 Supp. 60-736 and 61-3509 and repealing the existing sections.

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

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

The bill passed.

HB 2169, AN ACT concerning criminal procedure; relating to final disposition of pending charge proceedings; amending K.S.A. 22-4301, 22-4303 and 22-4304 and repealing the existing sections.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2181, AN ACT concerning licensing bodies; relating to licensure and military service members; relating to certain distance education courses.

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

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

The bill passed.

HB 2205, AN ACT concerning adoption; relating to hearings; time and waiver of notice; amending K.S.A. 59-2133 and repealing the existing section.

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

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

The bill passed.

HB 2212, AN ACT concerning the Kansas commission on veterans affairs; relating to the veterans claims assistance program; relating to the requirements of service grants; amending K.S.A. 2012 Supp. 73-1234 and repealing the existing section.

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

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

The bill passed.

HB 2269, AN ACT designating a portion of Kansas highway 92 as the John Bower memorial highway; amending K.S.A. 2012 Supp. 68-1060 and repealing the existing section.

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

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

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 72, AN ACT concerning taxation; relating to property tax exemptions; health clubs; amending K.S.A. 2012 Supp. 79-201 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 14; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Wagle.

Nays: Denning, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Tyson, Wolf.

Present and Passing: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote no on **SB 72**. Passing this bill reinforces what much of the public believes about the political process –people who write the biggest checks, write the laws. I am not, and have never been, a part of that. \$45,000 in campaign contributions were made by just one proponent of this bill to Senators in the last campaign. That's a lot of money spent, a lot of tax revenue lost. This bill is about nothing but money. It's a significant tax break for a large campaign contributor for a class of business that doesn't create a significant number of high paying jobs for any community. It compares nonprofit, community-oriented organizations such as the YMCA and YWCA to for-profit health clubs. Usually, private health clubs do not provide after school programs and affordable childcare, promote youth sports, help empower women, work to eliminate racism, or offer services to help low- and middle-income families. This is just an example of special interest legislation that sets a precedent for other for-profit organizations to be given the same status as nonprofit organizations, and enhances the perception that you can just pay into several politicians' campaigns and the system – whether it benefits the public good or not – is yours. – DAVID HALEY

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Haley on **SB 72**.

Madam President: I vote no on **SB 72**. The YMCA and similar organizations have strayed from their original mission. These organizations have an unfair advantage over private sector businesses. A yes vote is certainly a step toward leveling the playing field. However, I vote no as this inequity needs to be corrected at the root cause. The appropriate solution is to disallow the YMCA and similar private organizations an exemption from property and sales tax. — JIM DENNING

Senator Wolf requests the record to show she concurs with the "Explanation of Vote" offered by Senator Denning on **SB 72**.

SB 210, AN ACT concerning health information technology; amending K.S.A. 2012 Supp. 65-6821, 65-6822, 65-6823, 65-6824, 65-6825, 65-6828, 65-6829, 65-6830, 65-6831, 65-6832, 65-6833 and 65-6834 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-6826 and 65-6827, was considered on final action.

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

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

Nays: LaTurner, O'Donnell, Pyle, Tyson.

The bill passed, as amended.

SB 235, AN ACT concerning property taxation; relating to exemptions; certain new automobile manufacturing property, was considered on final action.

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

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

The bill passed, as amended.

S Sub for HB 2011, AN ACT concerning distinctive license plates; making educational institution plates available to motorcycles; transferability of license plates; amending K.S.A. 2012 Supp. 8-1,142 and repealing the existing section, was considered on final action.

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

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

Nays: Emler.

Present and Passing: Francisco.

The substitute bill passed.

HB 2012, AN ACT concerning public records; relating to legislative review of exceptions to disclosure; amending K.S.A. 2012 Supp. 45-229 and repealing the existing section, was considered on final action.

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

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

The bill passed.

Sub for HB 2043, AN ACT concerning the attorney general; relating to duties, responsibilities and authority; amending K.S.A. 2012 Supp. 75-702 and repealing the existing section, was considered on final action.

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

Voting 0.

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

The substitute bill passed.

HB 2107, AN ACT concerning insurance; relating to the transmission of electronic notices and other documents; enacting the electronic notice and document act; relating to adverse underwriting decisions; allowing return of premiums separate from notice; amending K.S.A. 40-2,112 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2128, AN ACT concerning the open records act, exceptions; amending K.S.A. 2012 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, was considered on final action.

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

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

The bill passed, as amended.

HB 2135, AN ACT concerning property taxation; relating to exemptions; certain housing on military installations; amending K.S.A. 2012 Supp. 79-201a and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2139, AN ACT concerning state finance; relating to canceled warrants; amending K.S.A. 10-811, 46-913, 46-924 and 58-3974 and repealing the existing sections; also repealing K.S.A. 10-812 and K.S.A. 2012 Supp. 46-921, was considered on final action.

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

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

The bill passed, as amended.

HB 2149, AN ACT concerning the highway patrol training center fund; amending K.S.A. 74-2134 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

S Sub for HB 2150, AN ACT concerning the Kansas employment first oversight commission; amending K.S.A. 2012 Supp. 44-1138 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 5; Present and Passing 3; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Hawk, Hensley, Holland, Pettey.

Present and Passing: Francisco, Haley, Kelly.

The substitute bill passed.

HB 2156, AN ACT concerning school finance; relating to area vocational school fund; relating to local effort as applied to U.S.D. No. 450; amending K.S.A. 2012 Supp. 72-6409 and repealing the existing section; also repealing K.S.A. 72-6422 and 72-8189, was considered on final action.

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

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

The bill passed.

HB 2160, AN ACT concerning quality care assessment on skilled nursing care facilities; amending K.S.A. 2012 Supp. 75-7435 and repealing the existing section, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Wagle, Wolf.

Nays: Olson, Pilcher-Cook, Pyle, Tyson.

The bill passed.

HB 2162, AN ACT concerning the secretary of state, relating to ballot language statements, was considered on final action.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Haley, Hensley, Holland, Kelly, Pettey.

Present and Passing: Francisco.

The bill passed, as amended.

HB 2164, AN ACT concerning jurors; relating to information disqualifying juror from jury service, was considered on final action.

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt, Wolf.

Present and Passing: Francisco, McGinn.

The bill passed, as amended.

HB 2170, AN ACT concerning crimes, criminal procedure and punishment; relating to probation and postrelease supervision; relating to sentencing; amending K.S.A. 2012 Supp. 21-6604, 21-6606, 21-6608, 21-6821, 22-3716, 22-3717, 74-9101 and 75-5217 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 21-6604a and 21-6604b, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Haley, Kelly, King, Tyson.

Present and Passing: Francisco.

The bill passed, as amended.

HB 2221, AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2012 Supp. 72-5413 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 27; Nays 13; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald,

Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

The bill passed.

HB 2249, AN ACT concerning city annexation of fire district lands and taxation; amending K.S.A. 2012 Supp. 12-546 and repealing the existing section, was considered on final action.

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

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

Present and Passing: Francisco.

The bill passed, as amended.

HB 2261, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2012 Supp. 72-965, 72-3607, 72-3715, 72-6414a, 72-6414b, 72-6420, 72-6421, 72-6423, 72-6426, 72-6460, 72-8237, 72-8250, 72-9509 and 72-9609 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2339, AN ACT concerning life insurance; providing for certain additional riders on life insurance policies; amending K.S.A. 2012 Supp. 40-401 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2368, AN ACT concerning social welfare; relating to the governor's mental health services planning council; amending K.S.A. 39-1606 and K.S.A. 2012 Supp. 39-1605 and repealing the existing sections, was considered on final action.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly,

Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

REPORT ON ENGROSSED BILLS

SB 72, SB 210, SB 218, SB 235 reported correctly engrossed March 25, 2013.

REPORT ON ENROLLED BILLS

SB 62, SB 69 reported correctly enrolled, properly signed and presented to the Governor on March 26, 2013.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 106, SB 181, SB 234** be passed.

Also, **SB 202** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 202," as follows:

"Substitute for SENATE BILL No. 202

By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to a sales tax project exemption for certain agricultural production firms; amending K.S.A. 2012 Supp. 74-50,115 and repealing the existing section.";

And the substitute bill be passed.

SB 231 be amended on page 1, in line 19, after "Nemaha," by inserting "Neosho," and the bill be passed as amended.

HB 2060, as amended by House Committee, be amended on page 1, following line 14, by inserting:

"Sec. 2. On July 1, 2103, K.S.A. 2012 Supp. 79-32,205 is hereby amended to read as follows: 79-32,205. (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 18% for tax years 2010 through 2012, and an amount equal to ~~17%~~ 9% for tax year 2013, and all tax years thereafter, of the amount of the earned income credit allowed against such taxpayer's federal income tax liability pursuant to section 32 of the federal internal revenue code for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) If the amount of the credit allowed by subsection (a) exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.";

On page 4, following line 37, by inserting:

" Sec. 5. On July 1, 2103, K.S.A. 2012 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) Commencing in the tax year beginning after December 31, ~~2005~~ 2012, the amount of any claim pursuant to this act shall be computed by ~~deducting the amount computed under column (2) from the amount of claimant's property tax accrued.~~

(1)	(2)
Claimants household income	Deduction from property tax accrued

At least	But not more than	
\$0	\$6,000	\$0
6,001	7,000	4%
7,001	16,000	4% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$7,001
16,001	27,000	40% plus 5% of every \$1,000, or fraction thereof, of income in excess of \$16,001
27,001	27,600	95% using the following table:

If the amount on line 10 Form K-40H is Enter this percent on line 14 of Form K-40H:
 between:

\$0 and \$15,510	100%
\$15,511 and \$16,000	95%
\$16,001 and \$17,000	90%
\$17,001 and \$18,000	85%
\$18,001 and \$19,000	80%
\$19,001 and \$20,000	75%
\$20,001 and \$21,000	70%
\$21,001 and \$22,000	65%
\$22,001 and \$23,000	60%
\$23,001 and \$24,000	55%
\$24,001 and \$25,000	50%
\$25,001 and \$26,000	45%
\$26,001 and \$27,000	40%
\$27,001 and \$28,000	35%
\$28,001 and \$29,000	30%
\$29,001 and \$30,000	25%
\$30,001 and \$31,000	20%
\$31,001 and \$32,000	15%
\$32,001 and \$33,000	10%
\$33,001 and \$34,400	5%
\$34,401 and over	0%

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

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

(d) In the case of all tax years commencing after December 31, ~~2004~~ 2012, the ~~upper limit threshold amount amounts~~ prescribed in this section, shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

Sec. 6. On July 1, 2103, K.S.A. 2012 Supp. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued exceeds ~~\$700~~ \$1,200 for a

household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been ~~\$700~~ \$1,200.";

And by renumbering sections accordingly;

Also on page 4, following line 39, by inserting:

"Sec. 8. On July 1, 2013, K.S.A. 2012 Supp. 79-32,205, 79-4508 and 79-4509 are hereby repealed.";

On page 1, in the title, in line 2, before "amending" by inserting "earned income tax credit"; in line 3, after "Supp." by inserting "79-32,205,"; also in line 3, after "79-4502" by inserting ", 79-4508 and 79-4509"; and the bill be passed as amended.

HB 2084, as amended by House Committee, be amended on page 3, after line 5, by inserting the following:

"New Sec. 2. Except as otherwise provided, there shall be allowed as a credit to each remittance of sales and compensating use tax pursuant to the provisions of the Kansas retailers' sales tax and the Kansas compensating tax acts required to be made by a retailer, an amount equal to 1.5% of such remittance. The total credit amount pursuant to this section for each month shall not exceed \$200 for each retailer. For purposes of this section, any retailer which files a consolidated return for reporting sales and compensating use tax prior to January 1, 2013, is subject to the \$200 per retailer limitation provided in this section even if such retailer no longer files a consolidated return after such date.

Sec. 3. K.S.A. 2012 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) except as otherwise provided, 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 the state of Kansas or any agency thereof, 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 the state of Kansas or any agency thereof, 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 the state of Kansas or any agency thereof, 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 state of Kansas or any agency thereof, 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 state of Kansas or any agency thereof, 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. The provisions of this subsection shall apply to sales of tangible personal property or services purchased by a contractor for a project for the state of Kansas or any agency thereof, on and after July 1, 2014;

(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. 2012 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq., or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment or aquaculture machinery and equipment" shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also

include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this paragraph, "severing" shall have the meaning ascribed thereto by subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) "Mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto; and (2) "sales of used mobile homes or manufactured homes" means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business which meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business which meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. As used in this subsection, "business" and "retail business" have the meanings respectively ascribed thereto by K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier.

Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, "mobile homes" and "manufactured homes" shall have the meanings ascribed thereto by K.S.A. 58-4202, and amendments thereto;

(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, "durable medical equipment" means equipment including repair and replacement parts for such equipment, which can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b, and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, which would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment which are used in this state as an integral or essential part of an integrated production operation by a manufacturing or

processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) "Integrated production operation" means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) "production line" means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) "manufacturing or processing plant or facility" means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) "manufacturing or processing business" means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish, or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood, or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed, or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat packing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of

limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) "repair and replacement parts and accessories" means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) "primary" or "primarily" mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer's integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the

production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; and (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E).

(5) "Machinery and equipment used as an integral or essential part of an integrated production operation" shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications, and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purpose 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;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon

completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; and

(gggg) all sales of game birds for which the primary purpose is use in hunting.";

And by renumbering sections accordingly;

Also on page 3, in line 6, by striking "is" and inserting "and 79-3606 are";

On page 1, in the title, in line 1, by striking "income"; also in line 1, before "credits" by inserting "income tax"; in line 2, before "amending" by inserting "sales tax, remittance credits and exemptions,"; also in line 2, after "79-32,195" by inserting "and 79-3606"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2255, as amended by House Committee, be amended on page 1, in line 6, by striking all after "(a)"; in line 7, by striking "the" and inserting "The amount of"; by striking all in lines 26 through 28; in line 29, by striking all before "shall" and inserting:

"(2) (A) For any claim for refund for state sales tax paid pursuant to the provisions of this section, the following shall apply: (i) For claims on purchases made from July 1, 2015, to June 30, 2016, 25% of such state sales tax paid shall be refunded;

(ii) for claims on purchases made from July 1, 2016, to June 30, 2017, 50% of such state sales tax paid shall be refunded;

(iii) for claims on purchases made from July 1, 2017, to June 30, 2018, 75% of such state sales tax paid shall be refunded; and

(iv) for claims on purchases made on and after July 1, 2018, all such state sales tax paid shall be refunded.

(B) Any such refunds";

Also on page 1, in line 31, by striking "rebate" and inserting "refund";

On page 1, in the title, in line 2, by striking "promoting broadband"; in line 3, by striking "across Kansas" and inserting "sales tax refunds"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2199**, as amended by House Committee, be passed.

Also recommends **HB 2055** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2055," as follows:

"Senate Substitute for HOUSE BILL No. 2055

By Committee on Federal and State Affairs

"AN ACT concerning racetrack gaming facilities; amending K.S.A. 2012 Supp. 12-4516, 21-6109, 21-6110, 21-6614, 60-2102, 72-6624, 74-8702, 74-8710, 74-8716, 74-8733, 74-8734, 74-8736, 74-8750, 74-8751, 74-8752, 74-8753, 74-8754, 74-8755, 74-8756, 74-8757, 74-8758, 74-8760, 74-8762, 74-8764, 74-8765, 74-8766, 74-8771 and 74-8772 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 74-8740, 74-8741, 74-8742, 74-8743, 74-8744, 74-8745, 74-8746, 74-8747, 74-8749 and 74-8767.";

And the substitute bill be passed.

HB 2077 be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2077," as follows:

"Senate Substitute for HOUSE BILL No. 2077

By Committee on Federal and State Affairs

"AN ACT concerning alcoholic beverages; relating to tastings on licensed premises; relating to penalties; amending K.S.A. 41-713 and 41-2610 and K.S.A. 2012 Supp. 41-308d, 41-354, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 and repealing the existing sections.";

And the substitute bill be passed.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

The Senate met, pursuant to recess, with Vice President King in the chair.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Abrams in the chair.

On motion of Senator Abrams the following report was adopted:

Recommended: **HB 2083, HB 2106, HB 2200, HB 2217, HB 2228, HB 2278, HB 2294, HB 2302, HB 2322, HB 2326, HB 2353** be passed.

A motion by Senator Haley to amend **HB 2353** failed and the following amendment was rejected: on page 4, by striking all in line 29;

And by redesignating paragraphs accordingly;

On page 7, in line 8, after "Tetrahydrocannabinols" by inserting "(except tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant))"; in line 9, after "Meaning" by inserting "only synthetic equivalents of".

Sub HB 2024, HB 2115, HB 2363 be amended by the adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2207** recommending a **S Sub for HB 2207** be adopted, and the substitute bill be passed.

The committee report on **HB 2034** recommending a **S Sub for HB 2034** be adopted, and the substitute bill be passed.

The committee report on **HB 2051** recommending a **S Sub for HB 2051** be adopted,

and the substitute bill be passed.

HB 2033 be amended by motion of Senator Masterson, on page 1, in line 22, by striking the comma inserting "or"; also in line 22, by striking all following "knuckles"; On page 5, in line 36, by striking the second comma and inserting "or"; also in line 36, by striking all following "knuckles" and **HB 2033** passed as amended.

Having voted on the prevailing side Senator Hawk moved to reconsider action on **HB 2033**. The motion passed by voice vote and the body returned to the bill.

By motion of Senator Hawk **HB 2033** was further amended: on page 1, in line 18, after "thereto" by inserting ", but shall not include school districts, jails as defined in K.S.A. 38-3202, and amendments thereto, and juvenile correctional facilities as defined in K.S.A. 38-3202, and amendments thereto" and **HB 2033** be passed as further amended.

SB 218 be amended by the adoption of the committee amendments, be further amended by motion of Senator Kelly; on page 8, in line 35, before "to" by inserting ". Of the balance remitted to the state treasury pursuant to this subsection, the state treasurer shall credit .99% to the judicial council fund and the remainder" and **SB 218** be passed as further amended.

Sub HB 2105 be amended by adoption of the committee amendments, be further amended by motion of Senator Holland: on page 28, in line 22, by striking "persistent";

On page 30, in line 2, after "and" by inserting "in cases where the disqualification is due to discharge for misconduct" and **Sub HB 2105** be passed as further amended.

A second motion by Senator Holland to amend **Sub HB 2105** failed and the following amendment was rejected: on page 24, in line 38, by striking "Less than"; by striking all in line 39; in line 40, by striking "benefits; (2) at least 4.5% but"; in line 41, by striking "(3)" and inserting "(2)"

HB 2201 be amended by the adoption of the committee amendments, be further amended by motion of Senator Apple on: on page 1, in line 17, after "thereto" by inserting a comma;

On page 2, in line 28, by striking "seven" and inserting "11" and **HB 2201** be passed as further amended.

A motion by Senator Melcher to amend **HB 2201** failed and the following amendment was rejected: on page 8, in line 6, by striking "any final, non-appealable order issued in"; in line 7, by striking "that proceeding regarding"

HB 2213 be amended by the adoption of the committee amendments, be further amended by motion of Senator Schmidt on: page 1, following line 9, by inserting:

"Section 1. K.S.A. 20-2610a is hereby amended to read as follows: 20-2610a. (a) A judge may elect to have such judge's retirement annuity paid under one of the options provided in this section in lieu of having it paid in the form stated in K.S.A. 20-2610, and amendments thereto. Such election shall be made before the date of actual retirement. A specific person shall be designated as joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. Under no circumstances may Except as specifically provided in this subsection, an option elected by a member as provided in this section shall not be changed or canceled nor shall the named joint annuitant be changed after the date of actual retirement of the judge. If a retiree is divorced after the retiree's date of actual retirement, and the retiree has named the retiree's ex-spouse as a joint annuitant under subsection (c), the joint annuitant option

may be canceled and the retirant's benefit returned to the maximum amount of such retirant's retirement benefit commencing the first month following the date such cancellation is ordered by the district court of the county where the divorce action was filed. The retirant shall not receive a refund or interest of any amounts already paid to fund the original joint annuitant benefit. The retirant may not name a subsequent joint annuitant once the original joint annuitant option has been canceled.

(b) The amount of retirement annuity payable under an option shall be based on the age of the judge and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, as prescribed in subsection (c). Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion. In no case shall the total amount of retirement annuity payable under any option provided in this section be more than 100% of the retirement annuity which would have been otherwise payable if no option had been elected under this section.

(c) The following retirement options, which are subject to the provisions of K.S.A. 74-49,123, and amendments thereto, are available:

(1) *Joint and $\frac{1}{2}$ to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and (B) the percentage equal to 91% minus 0.4% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus 0.4% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with $\frac{1}{2}$ of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(2) *Joint and survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and (B) the percentage equal to 83% minus 0.6% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus 0.6% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(3) *Joint and $\frac{3}{4}$ to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and (B) the percentage equal to 87% minus 0.5% for

each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus 0.5% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with $\frac{3}{4}$ of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under this option predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under this option shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(4) *Life with 5 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and if the judge dies within the five-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the five-year certain period.

(5) *Life with 10 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 95% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and if the judge dies within the ten-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the ten-year certain period.

(6) *Life with 15 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 88% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610, and amendments thereto, and if the judge dies within the fifteen-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the fifteen-year certain period.

(7) *Lump sum payment at retirement.* (A) Pursuant to this option, the judge must specify a lump sum amount to be paid to the judge upon the judge's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 20-2610, and amendments thereto. The lump sum amount designated by the judge must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the benefit provided in K.S.A. 20-2610, and amendments thereto. If the judge's spouse elects a lump sum payment as provided in this section pursuant to the provisions of subsection (d), the lump sum payment will be based on the present value of the retirement option selected by the spouse. The lump sum amount designated by the spouse must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the option selected in this section.

(B) Pursuant to this option, the judge must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 20-2610, and amendments thereto, or subsections (c)(1) through (c)(6) of this section.

(C) In the event that the designated joint annuitant pursuant to subsection (c)(1), (c)(2) or (c)(3), under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under the option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(D) The provisions of this subsection shall be effective on and after July 1, 2001.

(d) If a judge, who is eligible to retire, dies without having actually retired, the judge's spouse, if the spouse is the sole beneficiary for the judge's accumulated contributions, may elect to receive benefits as a joint annuitant under one of the options provided in this section in lieu of receiving the judge's accumulated contributions.

(e) On and after May 1, 2004, if a judge with 10 or more years of credited service dies before attaining retirement age, the judge's spouse, if the spouse is the sole beneficiary for the judge's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the judge's accumulated contributions. Payments under one of the options provided in this section to the judge's spouse if so elected, shall commence on the date that the judge would have been eligible for normal retirement pursuant to subsection (a) of K.S.A. 20-2608, and amendments thereto, or would have been eligible for early retirement pursuant to subsection (b) or (c) of K.S.A. 20-2608, and amendments thereto, if such early retirement date occurs earlier.

(f) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(g) The provisions of the law in effect on the retirement date of a judge under the retirement system for judges shall govern the retirement annuity payable to the retired judge and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for judges who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (c)(1), (2) or (3), as applicable, predeceased the judge, the amount of the retirement benefit otherwise payable to the judge under the option provided in subsection (c)(1), (2) or (3), as applicable, shall be adjusted automatically to the retirement benefit which the judge would have received if no option had been elected under this section.

(h) Upon the death of a joint annuitant who is receiving a retirement benefit under the provisions of this section, there shall be paid to such joint annuitant's beneficiary an amount equal to the excess, if any, of the accumulated contributions of the retired judge over the sum of all retirement benefit payments made to such retired judge and such joint annuitant. Such joint annuitant shall designate a beneficiary by filing in the office of the retirement system such designation at the time of death of the retired judge. If there is no named beneficiary of such joint annuitant living at the time of death of such joint annuitant, any amount provided for by this section shall be paid to, in order of preference as follows:

- (1) The joint annuitant's surviving spouse;
- (2) the joint annuitant's dependent child or children;
- (3) the joint annuitant's dependent parent or parents;
- (4) the joint annuitant's nondependent child or children;
- (5) the joint annuitant's nondependent parent or parents; or
- (6) the estate of the deceased joint annuitant.

(i) In any event, benefits shall be adjusted as necessary to satisfy the incidental death benefits regulations under the federal internal revenue code.

Sec. 2. K.S.A. 2012 Supp. 74-4964 is hereby amended to read as follows: 74-4964.

(1) A member may elect to have such member's retirement benefit paid under one of the options provided in this section in lieu of having it paid in the form stated in subsections (1) and (2) of K.S.A. 74-4958, and amendments thereto. Such election must be made before the date of actual retirement. Only a specific individual person may be designated as a joint annuitant at the time of election of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option. ~~Under no circumstances may~~ Except as specifically provided in this subsection, an option elected by a member as provided in this section shall not be changed or canceled nor shall the named joint annuitant be changed after the date of actual retirement of the member. If a retirant is divorced after the retirant's date of actual retirement, and the retirant has named the retirant's ex-spouse as a joint annuitant under subsection (5), the joint annuitant option may be canceled and the retirant's benefit returned to the maximum amount of such retirant's retirement benefit commencing the first month following the date such cancellation is ordered by the district court of the county where the divorce action was filed. The retirant shall not receive a refund or interest of any amounts already paid to fund the original joint annuitant benefit. The retirant may not name a subsequent joint annuitant once the original joint annuitant option has been canceled.

(2) The amount of a retirement benefit payable under an option shall be based on the age of the member and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement benefit otherwise payable under subsections (1) or (2) of K.S.A. 74-4958, and amendments thereto, as prescribed under subsection (5). In no case shall the total amount of retirement benefit paid under any option provided in this section be more than 100% of the retirement benefit which would have been otherwise payable if no option had been elected under this section.

(3) If a member who was, up to the entry date of such member's employer, covered by a pension system under the provisions of K.S.A. 13-14a01 to 13-14a14, inclusive, ~~or 14-10a01 through~~ to 14-10a15, inclusive, and amendments thereto, so elects one of the options under this section, payment of such option shall be in lieu of any payments provided in subsection (3) of K.S.A. 74-4958, and amendments thereto.

(4) Such election of an option shall become null and void upon the death of a member prior to such member's retirement, except that if a member, who is eligible to retire in accordance with the provisions of subsections (1) and (2) of K.S.A. 74-4958, and amendments thereto, dies without having actually retired the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, and no benefits are payable under subsections (1) and (2) of K.S.A. 74-4959, and amendments thereto, may elect to receive benefits under one of the options provided in this section, in lieu of receiving the member's accumulated contributions.

(5) The following retirement options which are subject to the provisions of K.S.A. 74-49,123, and amendments thereto, are available:

(A) *Joint and $\frac{1}{2}$ to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958, and amendments thereto, and (B) the percentage equal to 94.5% minus 0.2% for each year by which the age of the retirant's joint annuitant is less than the retirant's age,

computed to the nearest whole year, or plus 0.2% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with $\frac{1}{2}$ of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(B) *Joint and survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958, and amendments thereto, and (B) the percentage equal to 88% minus 0.4% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus 0.4% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(C) *Joint and $\frac{3}{4}$ to joint annuitant survivor.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 74-4958, and amendments thereto and (B) the percentage equal to 91% minus 0.3% for each year by which the age of the retirant's joint annuitant is less than the retirant's age, computed to the nearest whole year, or plus 0.3% for each year by which the age of the retirant's joint annuitant is more than the retirant's age, computed to the nearest whole year, with $\frac{3}{4}$ of that monthly amount continued to the retirant's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the retirant. In the event that the designated joint annuitant under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(D) *Life with 5 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 99% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958, and amendments thereto, and if the retirant dies within the five-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the five-year certain period.

(E) *Life with 10 years certain.* A reduced retirement benefit is payable to the retirant during the retirant's lifetime in a monthly amount equal to 98% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958, and amendments thereto, and if the retirant dies within the ten-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the ten-year certain period.

(F) *Life with 15 years certain.* A reduced retirement benefit is payable to the retirant

during the retirant's lifetime in a monthly amount equal to 92% of the monthly payment of the retirement benefit otherwise payable under K.S.A. 74-4958, and amendments thereto, and if the retirant dies within the fifteen-year certain period, measured from the commencement of retirement benefit payments, such payments will be continued to the retirant's beneficiary during the balance of the fifteen-year certain period.

(G) *Lump sum payment at retirement.* (i) Pursuant to this option, the member must specify a lump sum amount to be paid to the member upon the member's retirement. The lump sum amount will be based on the actuarial present value of the benefit as provided in K.S.A. 74-4958, and amendments thereto. The lump sum amount designated by the member must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the benefit provided in K.S.A. 74-4958, and amendments thereto. If the member's spouse elects a lump sum payment as provided in this section pursuant to the provisions of subsection (6), the lump sum payment will be based on the present value of the retirement option selected by the spouse. The lump sum amount designated by the spouse must be in 10% increments and shall not exceed $\frac{1}{2}$ of the actuarial present value of the option selected in this section.

(ii) Pursuant to this option, the member must elect to have the remaining actuarial present value paid in a monthly amount under the provisions of K.S.A. 74-4958, and amendments thereto, or subsections (5)(A) through (5)(F) of this section.

(iii) In the event that the designated joint annuitant pursuant to subsection (5)(A), (5)(B) or (5)(C) under this option predeceases the retirant, the amount of the retirement benefit otherwise payable to the retirant under this option shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(iv) The provisions of this subsection shall be effective on and after July 1, 2001.

(6) On and after July 1, 1996, if a member with 20 or more years of credited service dies before attaining retirement age, the member's spouse, if the spouse is the sole beneficiary for the member's accumulated contributions, may elect to receive benefits under one of the options provided in this section in lieu of receiving the member's accumulated contributions or in lieu of receiving benefits as provided in K.S.A. 74-4959, and amendments thereto. Payments under one of the options provided in this section to the member's spouse if so elected, shall commence on the date that the member would have attained retirement age.

(7) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of the joint and $\frac{1}{2}$ to joint annuitant survivor option, the joint and survivor option and the joint and $\frac{3}{4}$ to joint annuitant survivor option, shall end on the last day of the month in which the joint annuitant dies.

(8) The provisions of the law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant and any joint annuitant, except, for retirement benefits payable after July 1, 1993, for retirants who retired prior to July 1, 1982, in the event that the designated joint annuitant under the option provided in subsection (5)(A), (B) or (C), as applicable, predeceased the retirant, the amount of the retirement benefit otherwise payable to the retirant under the option provided in subsection (5)(A), (B) or (C), as applicable, shall be adjusted automatically to the retirement benefit which the retirant would have received if no option had been elected under this section.

(9) Upon the death of a joint annuitant who is receiving a retirement benefit under the provisions of this section, there shall be paid to such joint annuitant's beneficiary an amount equal to the excess, if any, of the accumulated contributions of the retirant over the sum of all retirement benefit payments made to such retirant and such joint annuitant. Such joint annuitant shall designate a beneficiary by filing in the office of the retirement system such designation at the time of death of the retirant. If there is no named beneficiary of such joint annuitant living at the time of death of such joint annuitant, any amount provided for by this section shall be paid to, in order of preference as follows:

- (A) The joint annuitant's surviving spouse;
- (B) the joint annuitant's dependent child or children;
- (C) the joint annuitant's dependent parent or parents;
- (D) the joint annuitant's nondependent child or children;
- (E) the joint annuitant's nondependent parent or parents; or
- (F) the estate of the deceased joint annuitant.

(10) The provisions of this section shall apply only to members who were appointed or employed prior to July 1, 1989, and who did not make an election pursuant to K.S.A. 74-4955a, and amendments thereto.;

And by renumbering sections accordingly;

On page 11, in line 17, after "Supp." by inserting "20-2610a,,"; also in line 17, after "74-4919," by inserting "74-4964,,";

On page 1, in the title, in line 2, after "system" by inserting "and systems thereunder"; also in line 2, before "certain" by inserting "retirement annuity options,,"; in line 5, after "Supp." by inserting "20-2610a,,"; also in line 5, after "74-4919," by inserting "74-4964," and **HB 2213** be passed as further amended.

HB 2234 be amended by adoption of the committee amendments be further amended by motion of Senator Masterson: on page 3, in line 21, by striking ": (1)", in line 26, by striking "; and"; by striking all in lines 27 through 37; in line 38, by striking all before the period; by striking all in line 41; in line 42, by striking all before the period

HB 2234 be further amended by motion of Senator Petersen: on page 4, in line 9, by striking "2015" and inserting "2016"; following line 22, by inserting:

"Sec. 2. K.S.A. 68-2009 is hereby amended to read as follows: 68-2009. (a) The authority is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, motor fuel filling stations, garages, and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. All contracts made by the authority for retail establishments or locations for retail establishments shall be made separately for each retail establishment or location for a retail establishment and sealed bids shall be asked separately on each retail establishment or each location for a retail establishment by public offering duly advertised as provided by law for the advertising for bids on state highway construction projects and each such contract shall be let by the authority in like manner as provided by law for the letting of highway construction contracts by the secretary of transportation. Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in

connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay ~~(a) (1)~~ the cost of maintaining, repairing and operating such turnpike project or projects and ~~(b) (2)~~ the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes.

(b) Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the state. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

(c) The authority shall not use toll revenue for any other purpose than that set forth in subsection (a).";

Also on page 4, in line 23, after "68-2003," by inserting "68-2009,";

On page 1, in the title, in line 4, after the last semicolon by inserting "use of toll revenue;" in line 5, after "68-2003" by inserting ", 68-2009" and **HB 2234** be passed as further amended.

A motion by Senator Donovan to amend **HB 2234** failed and the following amendment was rejected: on page 2, in line 22, by striking all following "(c)"; by striking all in lines 23 through 30; in line 31, by striking "(d)"; in line 33, before "vice-chairperson" by inserting "chairperson of the authority and another as"; in line 35, before "vice-chairperson" by inserting "chairperson,"; in line 41, by striking "(e)" and inserting "(d)";

On page 3, in line 18, by striking "On and after July 1, 2015,;" in line 41, by striking ", under the"; in line 42, by striking all before the period;

On page 4, in line 8, by striking "The provisions of this subsection shall expire on"; by striking all in line 9

A motion by Senator Haley to amend **HB 2234** failed and the following amendment was rejected: on page 4, following line 22, by inserting:

"Sec. 3. K.S.A. 68-2004 is hereby amended to read as follows: 68-2004. (a) The

authority is hereby authorized and empowered to:

- (1) Adopt bylaws for the regulation of its affairs and the conduct of its business;
- (2) adopt an official seal and alter the same ~~at pleasure~~;
- (3) maintain an office at such place or places within the state as it may designate;
- (4) sue and be sued in its own name, plead and be impleaded;
- (5) determine the location, subject to the approval of the secretary of transportation, of each turnpike project financed under the provisions of this act, determine its design and the materials of construction, and construct, maintain, repair and operate the same;
- (6) issue turnpike revenue bonds of the authority for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this act;
- (7) fix and revise from time to time and charge and collect tolls for transit over each turnpike project constructed by it;
- (8) adopt rules and regulations for the use of any such turnpike project, and adopt rules and regulations for traffic control on such project;
- (9) acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;
- (10) designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;
- (11) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;
- (12) employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;
- (13) receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and
- (14) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

(b) In addition to the tolls charged and collected under paragraph (7) of subsection (a), the authority is hereby authorized the option to develop and implement a system of tolls based on the average speed driven between entering and exiting the turnpike project.

(c) Violation of any of the rules and regulations adopted under this section shall be unlawful and subject to the penalties contained in K.S.A. 8-2116, and amendments thereto.;

On page 4, in line 23, after "68-2003," by inserting "68-2004,";

And by renumbering sections accordingly;

On page 1, in the title, in line 4, after "estate;" by inserting "relating to tolls;"; in line 5, after "68-2003" by inserting ", 68-2004"

HB 2303 be amended by the adoption of the committee amendments, and further amended by motion of Senator King: on page 5, in line 41, by striking "16.2%" and inserting "25.5%"; in line 43, by striking "6.5%" and inserting "10.2%";

On page 6, in line 1, by striking "6.5%" and inserting "10.2%"; in line 3, by striking "20.2%" and inserting "17.3%"; in line 5, by striking "50.8%" and inserting "36.7%" and **HB 2303** be passed as further amended.

S Sub for HB 2052 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Knox, on page 21, by striking all in lines 1 through 16;

And by redesignating remaining subsections accordingly.

S Sub for HB 2052 be further amended by motion of Senator Arpke: on page 2, following line 32, by inserting:

"(h) Nothing in this section shall limit the ability of the chief judge of each judicial district to prohibit the carrying of a concealed handgun by any person into courtrooms or ancillary courtrooms within the district provided that other means of security are employed such as armed law enforcement or armed security officers.";

And by redesignating subsections accordingly and **S Sub for HB 2052** be passed as amended.

A motion by Senator Pettey to amend **S Sub for HB 2052** failed and the following amendment was rejected: on page 3, in line 21, after "thereto" by inserting ", but shall not include school districts"; in line 26, after "thereto" by inserting ", but shall not include any postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto";

On page 21, by striking all in lines 17 through 25;

And by redesignating remaining subsections accordingly

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

On roll call, the vote was: Yeas 6; Nays 27; Present and Passing 7; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Emler, Haley, Kelly, Longbine, McGinn, V. Schmidt, Wolf.

S Sub for HB 2140 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt: on page 2, in line 11, by striking "or"; in line 15, by striking the period and inserting "; or

(5) a pupil who has demonstrated through a teacher-developed portfolio that such pupil has achieved the appropriate reading skills for the pupil's grade level."

S Sub for HB 2140 was further amended by Senator Schmidt: on page 2, in line 11, by striking "or"; in line 15, by striking the period and inserting "; or

(5) a pupil is recommended to be promoted by a teacher and such recommendation is approved by both the principal and the superintendent in accordance with subsection (f).";

On page 3, following line 6, by inserting:

"(f) If the parent of the pupil fails to request a meeting under subsection (a)(4) within 15 days of receiving written notification that the pupil is being retained in grade three, a teacher may submit documentation and recommend to the principal that such pupil be promoted from grade three to grade four. Upon receipt of such recommendation, the principal shall review such documentation and determine whether the pupil shall be promoted and provide such recommendation to the superintendent for

approval.";

And by redesignating remaining subsection accordingly

S Sub for HB 2140 be further amended by motion of Senator Pettey: on page 1, in line 10, by striking "or" and inserting a comma; in line 11, following "district" by inserting "or a school district";

On page 6, in line 2, following "board" by inserting "of education"

S Sub for HB 2140 be further amended by motion of Senator Kelly, as amended on page 1, in line 9, by striking "three" and inserting "one"; in line 16, by striking "three" and inserting "one"; in line 28, by striking "three to grade four" and inserting "one to grade two"; in line 35, by striking "three" and inserting "one";

On page 2, in line 9, by striking "three" and inserting "one"; in line 15, by striking "four" and inserting "two"; in line 18, by striking "four" and inserting "two"; also in line 18, by striking "three" and inserting "one"; in line 31, by striking "three" and inserting "one"; in line 41, by striking "three" and inserting "one";

On page 3, in line 6, by striking "three" and inserting "one"; following line 6, by striking all of subsection (f) and inserting:

"(f) If the parent of the pupil fails to request a meeting under subsection (a)(4) within 15 days of receiving written notification that the pupil is being retained in grade one, a teacher may submit documentation and recommend to the principal that such pupil be promoted from grade one to grade two. Upon receipt of such recommendation, the principal shall review such documentation and determine whether the pupil shall be promoted and provide such recommendation to the superintendent for approval.";

Also on page 3, in line 14, by striking "grades one through three" and inserting "grade one"; in line 15, by striking "three" and inserting "one";

On page 4, in line 33, by striking all before the semicolon and inserting "grade one";

On page 5, in line 16, by striking "grades one through three" and inserting "grade one";

On page 6, in line 1, by striking "four" and inserting "two" and **S Sub for HB 2140** be passed as amended.

A motion by Senator O'Donnell to amend **S Sub for HB 2140** failed and the following amendment was rejected: on page 1, in line 18, by striking all after "state"; by striking all in lines 19 through 21; in line 22, by striking all before the semicolon

A motion by Senator Faust-Goudeau to amend **S Sub for HB 2140** failed and the following amendment was rejected: on page 2, following line 38, by inserting:

"(5) A pupil retained in grade three in accordance with the policy adopted pursuant to this section shall be placed with a different teacher for reading instruction than the pupil was placed with the previous school year.

(6) Progress assessments shall be provided on at least a quarterly basis to the parent of a pupil retained in grade three in accordance with the policy adopted pursuant to this section."

HB 2069 be amended by the adoption of the committee amendments be amended by motion of Senator Lynn: on page 1, in line 6, before "No" by inserting "(a)"; in line 9, by striking "(a)" and inserting "(1)"; in line 11, by striking "(b)" and inserting "(2)"; in line 14, by striking "(c)" and inserting "(3)"; also in line 14, following "compensation" by inserting "or wages"; also in line 14, following "wage" by inserting "unless the payment of higher compensation or wages is"; in line 16, by striking "(d)" and inserting "(4)"; following line 17, by inserting:

"(b) Subsection (a) shall not impact, or apply to, requirements under state economic development incentive programs or city, county, local government or local economic development agency business attraction, retention or recruitment programs.";

Also on page 1, in line 18, before "No" by inserting "(a)"; in line 22, by striking all following "employer"; by striking all in lines 23 and 24 and inserting "providing or not providing:

(1) Any leave from work, either with or without pay, unless such leave is required by state or federal law;

(2) compensation for any leave from work, unless payment of compensation for such leave is required by state or federal law;

(3) compensation or wages at any rate higher than the minimum wage, unless the payment of higher compensation or wages is required by state or federal law; or

(4) any employee benefit other than those required by state or federal law.

(b) Subsection (a) shall apply only to wages, compensation, or benefits, or any combination thereof, paid or provided by a construction contractor or subcontractor performing construction or infrastructure work on a real estate construction or infrastructure project."

Senator Hensley made a motion to amend **HB 2069** which he withdrew.

HB 2069 be passed over and retain a place on the calendar.

REPORT ON ENGROSSED BILLS

SB 51, SB 59, SB 218 reported correctly engrossed March 26, 2013.

On motion of Senator Bruce, the Senate adjourned until 11:00 a.m., Wednesday, March 27, 2013.

Journal of the Senate

FORTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 27, 2013, 11:00 a.m.

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

Gracious God, today we give thanks for those whose skill with a pen and the keyboard, and the proper understanding of organization brings good order to an amazingly complicated process. The Secretary of the Senate and our clerks are truly dedicated people who love what they do, and the service they provide. Their unique abilities bring clarity, tidiness and understanding to the way in which words and ideas become statutes and laws. We thank you Lord for bringing this chamber such talent and grace. In your name and in thanksgiving we pray. Amen

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

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2057**.

Federal and State Affairs: **Sub HB 2002**.

Judiciary: **HB 2387, HB 2389**.

Utilities: **HB 2101; HCR 5014**.

Ways and Means: **Sub HB 2262; HB 2338, HB 2377**.

CHANGE OF REFERENCE

The President withdrew **HB 2069** from the Calendar under the heading of General Orders, and referred the bill to the Committee on **Ways and Means**.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5017**.

Announcing passage of **HB 2197, HB 2244, HB 2267, HB 2378, HB 2391, HB 2396, HB 2403**.

Announcing passage of **SB 21, SB 52, SB 113, SB 142**.

Also, passage of **SB 23**, as amended; **SB 63**, as amended; **SB 111**, as amended; **SB 129**, as amended; **SB 136**, as amended; **SB 149**, as amended; **SB 164**, as amended; **SB 171**, as amended; **SB 187**, as amended; **SB 199**, as amended.

Announcing adoption of **SCR 1606**

The House nonconcur in Senate amendments to **S Sub HB 2043**, requests a conference and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2107**, requests a conference and has appointed Representatives Shultz, Hermanson and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2128**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2139**, requests a conference and has appointed Representatives DeGraaf, Kelly and Frownfelter as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2149**, requests a conference and has appointed Representatives Rhoades, Suellentrop and Henry as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2150**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2162**, requests a conference and has appointed Representatives Schwab, Huebert and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2164**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2249**, requests a conference and has appointed Representatives Huebert, Phillips and Alcala as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2339**, requests a conference and has appointed Representatives Shultz, Hermanson and Finney as conferees on the part of the House.

Representative Ballard will replace Representative Henry on the conference committee for **S Sub HB 2143**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5017, relating to the adjournment of the senate and house of representatives for periods during the 2013 regular session of the legislature, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5017** was adopted by voice vote.

HB 2197, HB 2244, HB 2267, HB 2378, HB 2391, HB 2396, HB 2403 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 218, AN ACT concerning courts; relating to docket fees, court fees and costs; creating the judicial branch docket fee fund; abolishing the judicial branch surcharge fund; amending K.S.A. 5-517 and 20-166 and K.S.A. 2012 Supp. 8-2107, 8-2110, 20-362, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-172b, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001,

65-409, 74-7325, 74-7334 and 75-7021 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 20-367, was considered on final action.

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

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

Nays: Pyle.

Present and Passing: Francisco.

The bill passed, as amended.

Sub HB 2024, AN ACT enacting the Kansas roofing contractor registration act, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 6; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Knox, Melcher, Olson, Pilcher-Cook, Pyle, Tyson.

Present and Passing: Francisco.

The substitute bill passed, as amended.

HB 2033, AN ACT concerning regulation of knives; relating to carrying or using weapons; amending K.S.A. 2012 Supp. 21-6301 and 21-6302 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

S Sub for HB 2034, AN ACT repealing K.S.A. 75-52,119, 75-52,120 and 75-52,121; concerning the department of corrections; relating to the purchase of certain real estate, was considered on final action.

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

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

The substitute bill passed.

S Sub for HB 2051, AN ACT concerning water; relating to water rights; amending K.S.A. 2012 Supp. 82a-1901 and repealing the existing section, was considered on final

action.

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

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

Nays: McGinn.

The substitute bill passed.

S Sub for HB 2052, AN ACT concerning firearms; dealing with the personal and family protection act; amending K.S.A. 2012 Supp. 21-6302, 21-6309, 45-221, 75-7c05, 75-7c06, 75-7c10 and 75-7c17 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k, was considered on final action.

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Hawk, Holland, Pettey.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **S Sub HB 2052**. While I support the second amendment and people's rights to protect themselves and their families, I believe **S Sub for HB 2052** is too big, tries to do too much, and takes away local government's ability to decide what would work best in their communities. Furthermore, as a former educator and school administrator, I am not comfortable with the thought of having guns in schools and on college campuses. That is why I vote no on **S Sub HB 2052**.—TOM HAWK

Senator Francisco requests the record show she concurs with the "Explanation of Vote" offered by Senator Hawk on **S Sub for HB 2052**.

Mr. Vice President: I vote no on **S Sub for HB 2052**. While I support the second amendment and people's rights to protect themselves and their families, I believe **S Sub for HB 2052** is too big and takes away local control. As a former county commissioner, I believe it is important for local government to have a say in what buildings in their communities will allow guns. Finally, as a former educator who used to worry about where to keep my purse in my classroom where my students wouldn't get into it, I can't even fathom allowing guns in a school building or on a college campus. That is why I vote no on **S Sub for HB 2052**.—PAT PETTEY

Senator Hawk requests the record to show he concurs with the "Explanation of Vote" offered by Senator Pettey on **S Sub for HB 2052**.

HB 2083, AN ACT concerning the public employee relations board; amending K.S.A. 75-4327 and K.S.A. 2012 Supp. 75-4332 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33; Nays 7; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Pettey.

The bill passed.

Sub HB 2105, AN ACT concerning the employment security law; amending K.S.A. 44-702 and K.S.A. 2012 Supp. 44-703, 44-704, 44-705, 44-706, 44-709, 44-710, 44-710a, 44-710b, 44-714, 44-719, 74-5602 and 75-5702 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 44-704c, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey, Tyson.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **Sub for HB 2105**. I know that unemployed Kansans do not want to be unemployed and they do all they can to get re-employed. That is why the average unemployed Kansan collects unemployment benefits for 15 weeks before finding new employment. This bill changes the amount of time an unemployed Kansan can receive benefits from 26 weeks to 16 weeks while finding new employment in our current economy, according to studies, can take anywhere up to 31 weeks. This bill is a slap in the face of unemployed Kansans struggling to make ends meet for themselves and their families. We don't need to change a system that has worked very well for years. That is why I vote no.—ANTHONY HENSLEY

Senators Faust-Goudeau, Haley, Holland and Pettey request the record show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2105**.

HB 2106, AN ACT concerning insurance on portable electronics; amending K.S.A. 2012 Supp. 40-5607 and repealing the existing section, was considered on final action.

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

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

Nays: Tyson.

The bill passed.

HB 2115, 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 1; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Tyson.

The bill passed, as amended.

S Sub for HB 2140, AN ACT concerning schools; relating to pupils and reading proficiency; enacting the Kansas reads to succeed act, was considered on final action.

On roll call, the vote was: Yeas 30; Nays 10; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kelly, Kerschen, King, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Knox, LaTurner, McGinn, Pettey.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **S Sub for HB 2140**, the Reading to Succeed Act. I believe in the importance of school children learning how to read and reading at grade level, but I don't believe that's what this bill is really all about. In his Roadmap for Kansas, Governor Brownback said he wants to see an increase in the percentage of 4th graders reading at grade level. I believe that his proposal to retain students at the 3rd grade level is an effort to achieve this goal. He's willing to do whatever may make the numbers look good, even if it means bad policy. I do not believe retention is the answer. Study after study has shown that retention is bad policy, while other studies show the effectiveness of early childhood education programs. Yet, Governor Brownback insists on pulling \$6 million out of essential early childhood education programs to fund his Reading to Succeed Act. This bill gives \$6 million to a group of individuals who were hand selected by Governor Brownback to distribute to any organization they deem fit. I am not willing to gamble with the education of Kansas school children. That is why I vote no on the Reading to Succeed Act.—ANTHONY HENSLEY

Senators Faust-Goudeau and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **S Sub for HB 2140**.

Mr. Vice President: I support local schools and locally elected school boards. Local educators know best how to educate their students. They know the situations of their schools and their communities. The local educational environment varies greatly across this great state. I believe that state mandates on our local schools are often counterproductive and stifle creativity, innovation, and the ability of teachers to do their

job. **S Sub for HB 2140** mandates actions of local schools. While I support the intent of the bill, I do not support such mandates. I vote NO on **S Sub HB 2140**. —FORREST KNOX

HB 2200, AN ACT concerning the executive branch chief information technology officer; relating to duties; transferring certain powers, duties and functions of the director of information systems and communications, the division of information systems and communications and the secretary of administration to the executive chief information technology officer and the office of information technology services; amending K.S.A. 48-937, 65-6138, 65-6139, 65-6140, 74-9302, 74-9303, 74-9605, 75-37,102, 75-4701, 75-4702, 75-4702c, 75-4704, 75-4704b, 75-4705, 75-4710, 75-4712, 75-4713, 75-4714, 75-4715, 75-4716, 75-6512 and 76-389 and K.S.A. 2012 Supp. 46-1503, 74-9304, 74- 9306, 75-3707e, 75-4703, 75-4704a, 75-4709, 75-7202, 75-7204 and 75-7205 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2201, AN ACT concerning telecommunications; relating to the state corporation commission, regulation; concerning the Kansas universal service fund, eligibility and disbursements; establishing the telecommunications study committee; concerning KAN-ED; amending K.S.A. 66-1,188, 66-1,191, 66-1,195, 66-2002, 66-2003 and 66-2007 and K.S.A. 2012 Supp. 66-1,187, 66-2005, 66-2006, 66-2008, 66-2009 and 75-7224 and repealing the existing sections, was considered on final action.

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

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

Nays: Francisco, Holland, Melcher, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote NO on **HB 2201**. K.S.A. 66-2001 makes it clear that the current public policy of the state, among other intents, is to ensure that every Kansan will have access to a first class telecommunications infrastructure that provides excellent services at an affordable price and to promote consumer access to a full range of telecommunications services that are comparable in urban and rural areas throughout the state. Telecommunications services are changing at a rapid pace; we need to keep up. I believe that we could do this best by reviewing and confirming or updating our statement of policy before we pass a bill on telecommunications, especially a bill that is starkly in contrast with much of that stated public policy by eliminating specific responsibilities for carrier of last resort and the Kansas Lifeline Services Program.—

MARCI FRANCISCO

Senator Holland requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2201**.

Sub HB 2207, AN ACT concerning public health; relating to confined feeding facilities; registration; amending K.S.A. 2012 Supp. 65-171d and repealing the existing section, was considered on final action.

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

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

The substitute bill passed, as amended.

HB 2213, AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirement annuity options; certain member elections; internal revenue service review requirements; retirement benefit determinations, one-time payment; membership; amending K.S.A. 2012 Supp. 20-2610a, 74-4915, 74-4919, 74-4964, 74-49,135, 74-49,205, 74-49,301, 74-49,306, 74-49,308, 74-49,313 and 74-49,315 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2217, AN ACT concerning crimes, criminal procedure and punishment; relating to female genital mutilation, was considered on final action.

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

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

The bill passed.

HB 2228, AN ACT concerning the Kansas public employees retirement system; relating to death and long-term disability benefits; employer payments to group insurance reserve fund; amending K.S.A. 2012 Supp. 74-4927 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2234, AN ACT concerning the Kansas turnpike authority; relating to contracts between the authority and the Kansas department of transportation; concerning purchase of certain real estate; amending K.S.A. 68-2003 and 68-2021 and repealing the existing sections; also repealing K.S.A. 68-2030, 68-2031, 68-2032, 68-2033, 68-2034, 68-2035, 68-2036, 68-2037, 68-2038, 68-2039, 68-2040, 68-2041, 68-2042, 68-2043, 68-2044, 68-2045, 68-2046, 68-2047, 68-2048, 68-2048a, 68-2048b, 68-2048c, 68-2051, 68-2052, 68-2053, 68-2054, 68-2055, 68-2056, 68-2057, 68-2058, 68-2059, 68-2060, 68-2061, 68-2062, 68-2063, 68-2064, 68-2065, 68-2066, 68-2067, 68-2068, 68-2069, 68-2070, 68-2071, 68-2072, 68-2073, 68-2074, 68-2075, 68-2076, 68-2077, 68-2078, 68-2079, 68-2080, 68-2081, 68-2082, 68-2083, 68-2084, 68-2085, 68-2086, 68-2087, 68-2088, 68-2089, 68-2090, 68-2091, 68-2092, 68-2093, 68-2094, 68-2095, 68-2096, 68-2097, 68-2098, 68-2099, 68-20,100, 68-20,101, 68-20,102, 68-20,103, 68-20,104, 68-20,105, 68-20,106, 68-20,107, 68-20,108, 68-20,109, 68-20,110, 68-20,111, 68-20,112, 68-20,113, 68-20,114, 68-20,115, 68-20,116, 68-20,117, 68-20,118, 68-20,119 and 75-5028, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Donovan, Emler, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Olson, Ostmeyer, Pettey, V. Schmidt.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **HB 2234**. By all accounts, the Kansas Turnpike Authority is a well-run and efficient agency entirely self-supported from toll revenues paid by cars and trucks that choose to use it. It generates about \$90 million a year which is used to make payments on its revenue bonds and make capital improvements. Governor Brownback's proposal suggests that merging the Turnpike into KDOT would generate \$15 million in savings each of the next two years. However, none of these savings have been documented in any way. This proposal will be seen by investors as politicizing the Kansas Turnpike, since KDOT is ultimately answerable to elected officials and the Secretary of Transportation will serve as CEO of the Kansas Turnpike. The proposed takeover of the Kansas Turnpike is a bad idea. Its costs very likely will far outweigh any minor cost savings that might be achieved in the short term. The Legislature would be wise to leave this well run, autonomous agency alone. For those reasons, I vote NO on **HB 2234**.—ANTHONY HENSLEY

Senators Francisco, Holland and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2234**.

Mr. Vice President: I vote NO on **HB 2234**. I agree with the question that was asked about the bill: why on earth would we make these changes to an agency that provides tremendous value to the state at no cost to the state? The Kansas Turnpike Authority provides for a truly great roadway by collecting tolls from both residents and non-residents that pay for construction, maintenance, and patrol services with no state appropriations. Many claims are made that private businesses can do a better and more efficient job of providing services than the government. Votes to merge this well-run private agency into a government entity fly in the face of those claims. This is a sad day for Kansas, and it will result in a less than glorious future for the state.—CAROLYN MCGINN

Senator Francisco request the record to show she concurs with the "Explanation of Vote" offered by Senator McGinn on **HB 2234**.

HB 2278, AN ACT concerning crimes, criminal procedure and punishment; relating to theft, burglary and criminal deprivation; relating to firearms; amending K.S.A. 2012 Supp. 21-5801, 21-5803 and 21-5807 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2294, AN ACT concerning the Kansas uniform securities act; amending K.S.A. 17-12a302, 17-12a402 and 17-12a411 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2302, AN ACT concerning the Kansas department of health and environment; relating to drug screening, criminal history record check and fingerprinting of certain persons and employees; amending K.S.A. 2012 Supp. 75-4362 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2303, AN ACT concerning driving; relating to reinstatement fees; driving under the influence fund; judicial branch nonjudicial salary adjustment fund; forensic laboratory and materials fee fund; community alcoholism and intoxication programs fund; juvenile detention facilities fund; amending K.S.A. 41-1126 and K.S.A. 2012 Supp. 8-241, 20-1a15, 28-176, 75-5660 and 79-4803 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26; Nays 14; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Francisco, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, O'Donnell, Powell, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Abrams, Arpke, Faust-Goudeau, Haley, Holmes, Lynn, Melcher, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Pyle, Smith.

The bill passed, as amended.

EXPLANATION VOTE

Mr. Vice President: I am appalled that the senate would condone the underlying message this bill is giving. What kind of message are we sending to the citizens of our great state? To think that we even have penalties for third and fourth DUI convictions is completely unacceptable. Having been involved in an accident with an inebriated driver that was over two and a half times the legal limit, and having been seriously injured in that accident and seeing the result of the death of that driver on the family leave me incensed that our penalties are lax and needing additional review. I feel that every licensed driver in the vehicle should receive the same DUI ticket and the same exact penalty as the vehicle operator. Looking at the monetary penalties, I have seen bar tabs larger than the penalties we are recommending. I do agree with the higher penalties but allowing these individuals the privilege of driving past the first conviction their license needs to be revoked and that penalty enforced. I also would support any effort to review our DUI penalties as measured with the rest of the world. I vote no on **HB 2303**.

—TOM ARPKE

Senators Abrams, Faust-Goudeau and Lynn request the record to show they concur with the "Explanation of Vote" offered by Senator Arpke on **HB 2303**.

Mr. Vice-President: I vote No on **HB 2303** for Adrian Crosby and Dominic Greene who were killed in a head on collision by a drunk driver. —OLETHA FAUST-GOUDEAU

HB 2322, AN ACT concerning the department of health and environment; relating to the division of health; amending K.S.A. 65-102, 65-118, 65-153 and 75-5621 and K.S.A. 2012 Supp. 65-2402, 65-2422d, 75-5601, 75-5603 and 75-5664 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 75-7411 and 75-7412, was considered on final action.

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

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

The bill passed.

HB 2326, AN ACT concerning certain internet protocol enabled services, was considered on final action.

On roll call, the vote was: Yeas 37; Nays 1; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Melcher.

Present and Passing: Francisco, Holland.

The bill passed.

HB 2353, AN ACT concerning controlled substances; amending K.S.A. 2012 Supp. 65-4105 and repealing the existing section, was considered on final action.

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

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

Present and Passing: King.

The bill passed.

HB 2363, AN ACT concerning water; relating to wastewater regulations; relating to streams, dams and obstructions; amending K.S.A. 82a-307 and K.S.A. 2012 Supp. 82a-301, 82a-302, 82a-303b, 82a-326 and 82a-734 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

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

Present and Passing: Francisco, McGinn.

The bill passed, as amended.

REPORT ON ENROLLED BILLS

SR 1739, SR 1740, SR 1741, SR 1742 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 27, 2013.

ORIGINAL MOTION

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **S Sub for HB 2043**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2107**.

The Vice President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **HB 2128**.

The Vice President appointed Senators Ostmeyer, Emler and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2139**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2149**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **S Sub for HB 2150**.

The Vice President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Pyle, the Senate acceded to the request of the House for a conference on **HB 2162**.

The Vice President appointed Senators Pyle, Holmes and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2164**.

The Vice President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Pyle, the Senate acceded to the request of the House for a conference on **HB 2249**.

The Vice President appointed Senators Pyle, Holmes and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Olson, the Senate acceded to the request of the House for a conference on **HB 2339**.

The Vice President appointed Senators Olson, Longbine and Hawk as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Abrams the Senate nonconcurrred in the House amendments to **SB 23** and requested a conference committee be appointed.

The Vice President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Smith the Senate nonconcurrred in the House amendments to **SB 63** and requested a conference committee be appointed.

The Vice President appointed Senators King, Smith and Haley as a conference committee on the part of the Senate.

On motion of Senator Ostmeyer the Senate nonconcurrred in the House amendments to **SB 111** and requested a conference committee be appointed.

The Vice President appointed Senators Ostmeyer, Emler and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Olson the Senate nonconcurrred in the House amendments to **SB 129** and requested a conference committee be appointed.

The Vice President appointed Senators Olson, Longbine and Hawk as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 136** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

On motion of Senator Lynn the Senate nonconcurrred in the House amendments to **SB 149** and requested a conference committee be appointed.

The Vice President appointed Senators Lynn, Wagle and Holland as a conference committee on the part of the Senate.

On motion of Senator Petersen the Senate nonconcurrred in the House amendments to **SB 164** and requested a conference committee be appointed.

The Vice President appointed Senators Petersen, Wolf and Pettey as a conference committee on the part of the Senate.

On motion of Senator Abrams the Senate nonconcurrred in the House amendments to **SB 171** and requested a conference committee be appointed.

The Vice President appointed Senators Abrams, Arpke and Hensley as a conference committee on the part of the Senate.

On motion of Senator Lynn the Senate nonconcurrred in the House amendments to **SB 187** and requested a conference committee be appointed.

The Vice President appointed Senators Lynn, Wagle and Holland as a conference committee on the part of the Senate.

On motion of Senator Pilcher-Cook the Senate nonconcurrred in the House amendments to **SB 199** and requested a conference committee be appointed.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as a conference committee on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

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

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Monday, April 1, 2013.

Journal of the Senate

FIFTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 1, 2013, 10:00 a.m.

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

Heavenly Father, being a fool is a matter both of recognition and appreciation. Some who appear foolish accomplish great things, and those with eyes and ears to see the good, appreciate the wisdom in what appears on the surface as not meeting that standard. May we enjoy this day with its tradition of pranks and silliness as a part of the richness of being human, the gift of humor, and the joy of laughter. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2244, HB 2267, HB 2378.**

Education: **HB 2197.**

Ways and Means: **HB 2391, HB 2396, HB 2403.**

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Petersen, Donovan, Faust-Goudeau, Kerschen, McGinn, O'Donnell, V. Schmidt and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1744—

A RESOLUTION congratulating the Wichita South High School women's basketball team on its class 6A state championship.

WHEREAS, The Wichita South High School women's basketball team won the class 6A state title for 2013; and

WHEREAS, This is the first state title the Wichita South High School women's basketball team has won since 1978. The women defeated the Wichita Heights High School women's basketball team with a score of 46-44; and

WHEREAS, Members of this year's Wichita South High School women's basketball team include Kendrian Elliott, Rachala Ross, Brionna Ross, Eledria Franklin, Ericka Mattingly, Ashlynd Horton, Princess Alcaraz, Kirea Rogers, Patricee Dodson, Madison Northcutt, Sydni James, and Kiera Broehl. The team managers were Ogechi Odunze, Ddreona Tramble, Bria Russell, and Felicia Papamie; and

WHEREAS, The team's coach, Antwain Scales, along with assistant coaches, Heidi Dreiling and Wayne Riddle, worked diligently with this year's team, improving the team's skills and ultimately leading them to the 2013 class 6A state championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Wichita South High School women's basketball team on its class 6A state championship. These young women have worked hard throughout the season, and this state title is a testament to that hard work; and

Be it further resolved: That the Secretary of the Senate provide 20 enrolled copies of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1744** was adopted unanimously.

Team members were introduced, and the Senators rose for a standing ovation.

Senators Petersen, Donovan, Faust-Goudeau, Kerschen, McGinn, O'Donnell and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1745—

A RESOLUTION congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.

WHEREAS, The Sedgwick County 4-H Shooting Sports Gold Team won first place at the state shooting match sponsored by the Kansas State Rifle Association and the Jackson and Nemaha Bullmasters 4-H Shooting Program; and

WHEREAS, The Sedgwick County 4-H Shooting Sports Gold Team scored a 2281 out of a possible 2500 while competing against the other 19 teams. This first place finish qualifies the team to attend the Daisy National BB Gun Championship Shooting Match in Rogers, Arkansas, on June 28-30, 2013; and

WHEREAS, Team members were required to shoot 10 bulls-eyes in 4 positions: prone, standing, sitting and kneeling. In addition to shooting, team members took a 50 question test on gun safety and BB gun competition rules; and

WHEREAS, The Sedgwick County team members were Emma Klausmeyer, Ashley Pinkerton, Tessa Simon, Mary Klausmeyer, Olivia Santiago, Madison Frye and Derek Journey; and

WHEREAS, These shooters put in many hours of practice at other 4-H matches across the state. This hard work and dedication was instrumental in winning first place at the state shooting match: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match. These young people have displayed an exemplary work ethic that all Kansans can be proud of; and

Be it further resolved: That the Secretary of the Senate be directed to provide 10 enrolled copies of this resolution to Senator Petersen.

On emergency motion of Senator Petersen **SR 1745** was adopted unanimously.

Members of the shooting team were introduced, and the Senators rose for a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following reports:

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

By the Governor:

Member, State Board of Indigent Defense Services: KSA 22-4519

Kevin Smith, reappointed to fill a term expiring on January 15, 2016

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 Attorney General:

Member, Crime Victims Compensation Board: KSA 74-7303

Nan Morgan Porter, reappointed to fill a term expiring on March 15, 2017.

CHANGE OF REFERENCE

The President withdrew **HB 2069** from the Committee on **Ways and Means**, and rereferred the bill to the calendar under the heading of General Orders.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

The Senate, met pursuant to recess, with Vice President Jeff King in the chair.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2170**.

The House nonconcurrs in Senate amendments to **Sub HB 2024**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2033**, requests a conference and has appointed Representatives Siegfried, Brunk and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub for HB 2052**, requests a conference and has appointed Representatives Siegfried, Brunk and Ruiz as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Sub HB 2105**, requests a conference and has appointed Representatives Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 1** and has appointed Representatives Rhoades, Suellentrop and Henry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 16** and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 23** and has appointed Representatives Cassidy, Grosserode and Winn 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 Schwab, Huebert and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 88** and has appointed Representatives Rhoades, Suellentrop and Henry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 96** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 111** and has appointed Representatives Siegfried, Brunk and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 122** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 124** and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 129** and has appointed Representatives DeGraaf, Kelly and Frownfelter 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 Goico, Seiwert and Meier as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 149** and has appointed Representatives Kleebl, Suellentrop and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 164** and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 171** and has appointed Representatives Cassidy, Grosserode and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 187** and has appointed Representatives Kleebl, Suellentrop and Frownfelter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 199** and has appointed Representatives Crum, Weber and Ward as conferees on the part of the House.

The House announced the appointment of Rep. Henry to replace Rep. Ballard as a conferee on S Sub for **HB 2143**.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **Sub HB 2207**.

The House nonconcurr in Senate amendments to **S Sub for Sub HB 2051**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2115**, requests a conference and has appointed Representatives Kinzer, Bruchman and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **Sub Bill for HB 2140**, requests a conference and has appointed Representatives Cassidy, Grosserode and Winn as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2201**, requests a conference and has appointed Representatives Seiwert, Garber and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2234**, requests a conference and has appointed Representatives Proehl, Ryckman Sr. and Perry as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2261**, requests a conference and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2303**, requests a conference and has appointed Representatives Peck, Hildabrand and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2349**, requests a conference and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2363**, requests a conference and has appointed Representatives Schwartz, Hoffman and Victors as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2034**, requests a conference and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2218**, requests a conference and has appointed Representatives Rubin, Gonzalez and Finney as conferees on the part of the House.

The House announces the appointment of Rep. Kinzer, Bruchman and Pauls as conferees on **SB 63** to replace Reps. Schwab, Huebert and Sawyer.

MESSAGE FROM THE HOUSE

The following Senate Bills were stricken from the House Calendar by House Rule 1507: **SB 26, SB 41, SB 49, SB 61, H Sub for SB 64, SB 73, SB 92, SB 100, SB 163, SB 177.**

REPORT ON ENROLLED BILLS

SB 28, SB 51, SB 59, SB 85, SB 216 reported correctly enrolled, properly signed and presented to the Governor on March 29, 2013.

ORIGINAL MOTION

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub HB 2024**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2033**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **S Sub for HB 2034**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Powell, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2051**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **S Sub for HB 2052**.

The President appointed Senators Ostmeyer, Emler and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **Sub HB 2105**.

The President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2115**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **S Sub for HB 2140**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Apple, the Senate acceded to the request of the House for a conference on **HB 2201**.

The President appointed Senators Apple, Knox and Francisco as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2218**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Masterson, the Senate acceded to the request of the House for a conference on **HB 2234**.

The President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **HB 2261**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2303**.

The President appointed Senators King, Smith and Haley as conferees on the part of the Senate.

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **HB 2349**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Powell, the Senate acceded to the request of the House for a conference on **HB 2363**.

The President appointed Senators Powell, Kerschen and Francisco as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Ostmeyer as a member of the Conference Committee on **HB 2033** to replace Senator King.

The President announced the appointment of Senator Emler as a member of the Conference Committee on **HB 2033** to replace Senator Smith.

The President announced the appointment of Senator Holland as a member of the Conference Committee on **HB 2033** to replace Senator Haley.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2167** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2167," as follows:

"Senate Substitute for HOUSE BILL No. 2167

By Committee on Federal and State Affairs

"AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 and repealing the existing section; also repealing K.S.A. 31-155 and 31-156";
and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2142** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 74-3241 is hereby amended to read as follows: 74-3241. (a) On July 1, 1975, persons who, prior to ~~said such~~ date, had qualified for and been designated as state scholars pursuant to the provisions of article 68 of chapter 72 of the Kansas Statutes Annotated, ~~or had been awarded tuition grants pursuant to the provisions of article 61 of chapter 72 of the Kansas Statutes Annotated, or had received a loan from an eligible lending institution guaranteed under the provisions of article 74 of chapter 72 of the Kansas Statutes Annotated and amendments thereto,~~ shall retain all benefits or rights which had accrued to or vested in such persons prior to July 1, 1975.

(b) Persons or institutions participating in grant programs or having been allocated funds under any of the federal higher education acts described in K.S.A. 72-6210, prior to its repeal, shall retain all benefits or rights which had accrued to or vested in such persons or institutions unless revised or nullified in accordance with law.

(c) All applications made pursuant to any of the programs or acts referred to in this section submitted to the state education commission prior to the effective date of this order shall continue in effect and shall be deemed to have been made or submitted to the state board of regents and shall be deemed sufficient for the purpose thereof. Any application for grants of federal funds included with or in a state plan or pursuant to any

federal legislation submitted to any federal agency by the state education commission prior to the effective date of this order shall continue in effect and shall be deemed to have been made or submitted by the state board of regents subject to revision or nullification in accordance with law.";

And by renumbering sections accordingly;

Also on page 1, in line 6, after "K.S.A." by inserting "72-7401, 72-7402, 72-7403, 72-7404, 72-7405, 72-7406, 72-7407,"; in line 7, by striking "and" and inserting a comma; also in line 7, after "72-8175" by inserting ", 74-3233, 74-3235, 74-3236, 74-3237, 74-3238, 74-3239, 74-3240 and 74-3241";

On page 1, in the title, in line 1, by striking "repealing K.S.A." and inserting "concerning education; relating to land transfers; concerning postsecondary education student loans and tuition grants; amending K.S.A. 74-3241 and repealing the existing section; also repealing K.S.A. 72-7401, 72-7402, 72-7403, 72-7404, 72-7405, 72-7406, 72-7407,"; in line 2, by striking "and" and inserting a comma; also in line 2, by striking the semicolon; in line 3, by striking all before the period and inserting ", 74-3233, 74-3235, 74-3236, 74-3237, 74-3238, 74-3239 and 74-3240"; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Longbine in the chair.

On motion of Senator Longbine the following report was adopted:

Recommended: **HB 2253** be amended by motion of Senator Francisco, on line 20, by striking all after "(b)"; by striking all in lines 21 through 33; in line 34, by striking "(2)";

On page 6, in line 15, by striking "1999" and inserting "2004"; and **HB 2253** passed as amended.

A motion by Senator Haley to amend **HB 2253** failed and the following amendment was rejected: on page 5, following line 6, by inserting:

"New Sec. 10. The provisions of K.S.A. 65-6701 through 65-6725, and amendments thereto, shall not apply to an abortion if the pregnancy is the result of an act of rape, aggravated indecent liberties with a child or incest, as those crimes are defined under the Kansas criminal code.";

And by renumbering remaining sections accordingly

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

On roll call, the vote was: Yeas 9; Nays 28; Present and Passing 2; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Emler, Wolf.
Absent or Not Voting: Donovan.

EXPLANATION OF VOTE

Mr. Vice President: The amendment that was defeated by this roll call voted proposed that the provisions of this bill shall not apply to an abortion if the pregnancy is the result of an act of rape, aggravated indecent liberties with a child or incest, as those crimes are defined under the Kansas criminal code. That is why I voted for the amendment on **HB 2253**. It is a sad day in the Senate to watch our colleagues vote against these exceptions.

—DAVID HALEY

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Haley on **HB 2253**.

Mr. Vice President: I vote no on the amendment. Current Kansas law and **HB 2253** allows an abortion up to 22 weeks of a pregnancy and does not prevent a woman who has been raped or is a victim of incest from having an abortion. **HB 2253** does prevent public taxpayer funds from being used to perform an abortion. This bill respects the rights of Kansas taxpayers who are morally opposed to not be involved in the abortion procedure through the use of public funds.— SUSAN WAGLE

A motion by Senator Francisco to amend **HB 2253** failed and the following amendment was rejected: on page 5, following line 6, by inserting:

"Sec. 10. K.S.A. 2012 Supp. 40-2,190 is hereby amended to read as follows: 40-2,190. (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 or because the pregnancy is the result of an act of rape. 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.";

And by renumbering sections accordingly;

On page 72, in line 27, after "Supp." by inserting "40-2,190,";

On page 1, in the title, in line 4, after "Supp." by inserting "40-2,190,"

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

On roll call, the vote was: Yeas 8; Nays 28; Present and Passing 3; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Emler, V. Schmidt, Wolf.

Absent or Not Voting: Donovan.

A motion by Senator Pettey to amend **HB 2253** failed and the following amendment was rejected: on page 11, in line 35, by striking all after "including"; in line 36, by striking "cancer and";

On page 17, in line 10, by striking all before "risks"

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

On roll call, the vote was: Yeas 10; Nays 28; Present and Passing 2; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Emler, Longbine.

A motion by Senator Francisco to amend **HB 2253** failed and the following amendment was rejected: on page 3, in line 18, by striking the first "or" and inserting "and"; in line 21, after "spouses" by inserting "or domestic partners"; in line 26, after "spouses" by inserting "or domestic partners"; in line 35, after "spouses" by inserting "or domestic partners";

On page 4, in line 17, after "spouses" by inserting "or domestic partners"

A motion by Senator Francisco to amend **HB 2253** failed and the following amendment was rejected: on page 28, in line 17, after "purposes" by inserting ", except that this subsection shall not apply to expenses paid for an abortion if the woman receiving an abortion was a victim of rape, as the term is defined in the Kansas criminal code, which resulted in the pregnancy for which the abortion is obtained, or if the abortion is necessary to preserve the life of the woman"

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

On roll call, the vote was: Yeas 8; Nays 28; Present and Passing 3; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Emler, V. Schmidt, Wolf.

Absent or Not Voting: Holmes.

EXPLANATION OF VOTE

Mr. Vice President: I vote "aye" on this amendment to **HB 2253**. During the discussion of an earlier amendment that would have added an exception to the prohibition for insurance policies, plans, contracts, etc., to exclude coverage for abortions when the pregnancy is the result of an act of rape, the comment was made that current exception that is granted for those insurance policies when the procedure is necessary to preserve the life of the mother is one that most Kansans agree with. If that is the case, it should be appropriate to allow Kansas taxpayers to deduct expenses for medical procedures necessary to preserve the live of a woman if they have been claimed as an itemized deduction for federal income tax purposes. Mr. Vice President, we can and therefore should, show compassion to women who have had medical emergencies in our tax laws.—MARCI FRANCISCO

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2253**.

A motion by Senator Haley to amend **HB 2253** failed and the following amendment was rejected: on page 2, following line 12, by inserting:

"(e) Nothing in sections 1 through 8, and amendments thereto, shall be construed as creating a cause of action against a woman for using birth control, including, but not limited to, birth control pills or injections and intrauterine devices."

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

On roll call, the vote was: Yeas 8; Nays 27; Present and Passing 5; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: Emler, Longbine, McGinn, V. Schmidt, Wolf.

A motion by Senator Haley to send **HB 2253** back to the committee failed and the motion was rejected.

HB 2060 be amended by the adoption of the committee amendments, and the bill be passed as amended.

A motion by Senator Pettey to amend **HB 2060** failed and the following amendment was rejected: on page 1, by striking all in lines 16 through 28;

On page 5, by striking all in lines 11 through 43;

On page 6, by striking all in lines 1 through 27;

And by renumbering sections accordingly;

Also on page 6, by striking all in lines 30 and 31;

On page 1, in the title, in line 2, by striking "earned"; in line 3, by striking all before "amending"; in line 4, by striking "79-32,205,"; also in line 4, by striking ", 79-4508 and 79-4509"

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

On roll call, the vote was: Yeas 14; Nays 26; Present and Passing 0; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, McGinn, O'Donnell, Petersen, Pettey, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

A motion by Senator Holland to amend **HB 2060** failed and the following amendment was rejected: on page 1, by striking all in lines 16 through 28;

And by renumbering sections accordingly;

On page 6, in line 30, by striking "79-32,205,";

On page 1, in the title, in line 2, by striking "earned"; in line 3, by striking all before "amending"; in line 4, by striking "79-32,205,"

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

On roll call, the vote was: Yeas 8; Nays 30; Present and Passing 2; Absent or Not Voting 0.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: O'Donnell, Petersen.

A motion by Senator Holland to amend **HB 2060** failed and the following amendment was rejected: on page 1, following line 28, by inserting:

"Sec. 3. On July 1, 2013, K.S.A. 2012 Supp. 79-4501 is hereby amended to read as follows: 79-4501. The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide ad valorem tax refunds to: (a) Certain persons who are of qualifying age who own or rent their homestead; (b) certain persons who have a disability, who own or rent their homestead; and (c) certain persons other than persons included under the provisions of (a) or (b) who have low incomes and dependent children and own or rent their homestead.";

On page 2, in line 24, following "thereof," by inserting "whether"; also in line 24, by striking "and" and inserting "or rented, which is";

On page 4, in line 15, following "work." by inserting "With respect to any individual,"; in line 16, by striking "(with respect to any individual)"; following line 39, by inserting:

"(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

(k) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2013 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.";

On page 6, in line 25, following "accrued" by inserting "or rent constituting property tax accrued, or the sum of both,"; following line 27, by inserting:

"Sec. 8. On July 1, 2013, K.S.A. 2012 Supp. 79-4511 is hereby amended to read as follows: 79-4511. (a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (g) of K.S.A. 79-4502, and amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant. When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.

(d) The information required to be furnished under subsection (b) or (c) shall be in addition to that required under subsection (a).

Sec. 9. On July 1, 2013, K.S.A. 2012 Supp. 79-4522 is hereby amended to read as follows: 79-4522. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$350,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.";

And by renumbering sections accordingly;

Also on page 6, in line 30, following "79-32,205," by inserting "79-4501,"; also in line 30, by striking "and" and inserting a comma; in line 31, following "79-4509" by inserting ", 79-4511 and 79-4522";

On page 1, in the title, in line 2, following "persons;" by inserting "renters;"; in line 4, following "79-32,205," by inserting "79-4501," also in line 4, by striking the first "and" and inserting a comma; also in line 4, following "79-4509" by inserting ", 79-4511 and 79-4522"

A motion by Senator Francisco to amend **HB 2060** failed and the following amendment was rejected: on page 2, in line 24, after "thereof," by inserting "whether"; also in line 24, by striking "and" and inserting "or rented, which is";

On page 4, following line 39, by inserting:

"(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arm's length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purpose of the claim.

(k) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2013 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.";

On page 6, in line 24, before "In" by inserting "(a)"; in line 25, by striking "\$1,200" and inserting "\$1,000"; in line 27, by striking "\$1,200" and inserting "\$1,000"; following line 27, by inserting:

"(b) In the event rent constituting property tax accrued exceeds \$700 for a household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been \$700.

Sec. 7. On July 1, 2013, K.S.A. 2012 Supp. 79-4501 is hereby amended to read as follows: 79-4501. The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide ad valorem tax refunds to: (a) Certain persons who are of qualifying age who own or rent their homestead; (b) certain persons who have a disability, who own or rent their homestead; and (c) certain persons other than persons included under the provisions of (a) or (b) who have low incomes and dependent children and own or rent their homestead.

Sec. 8. On July 1, 2013, K.S.A. 2012 Supp. 79-4511 is hereby amended to read as follows: 79-4511. (a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (g) of K.S.A. 79-4502, and

amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant. When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.

(d) The information required to be furnished under subsection (b) or (c) shall be in addition to that required under subsection (a).

Sec. 9. On July 1, 2013, K.S.A. 2012 Supp. 79-4522 is hereby amended to read as follows: 79-4522. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds ~~\$350,000~~ \$250,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.";

And by renumbering sections accordingly;

Also on page 6, in line 30, after "79-32,205," by inserting "79-4501,,"; also in line 30, by striking "and" and inserting a comma; in line 31, after "79-4509" by inserting ", 79-4511 and 79-4522";

On page 1, in the title, in line 4, after "79-32,205," by inserting "79-4501,,"; in line 4, by striking "and 79-4509" and inserting ", 79-4509, 79-4511 and 79-4522"

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

On roll call, the vote was: Yeas 9; Nays 27; Present and Passing 3; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Present and Passing: McGinn, V. Schmidt, Wolf.

Absent or Not Voting: Lynn.

EXPLANATION OF VOTE

Mr. Vice President: This amendment is the best of both worlds. It eliminates the reduction in the Kansas Earned Income Tax Credit while keeping the increase in refunds for those who qualify for the Kansas Homestead Refund. It represents tax policy that is really fair while taking care of those who benefit from the EITC and those who benefit from the homestead tax refund. I believe we should help both.—ANTHONY HENSLEY

Senator Haley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Hensley on **HB 2060**.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Tuesday, April 2, 2013.

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, April 2, 2013, 10:00 a.m.

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

Heavenly Creator we know our ultimate security is our trust and faith in you, and our understanding of your presence with us in all we undertake. We are blessed on earth with those who protect us and the institutions that we serve; those who share their wisdom while watching for any disruption to good order. Today we give thanks for the members of the Capitl Police, the SGT at Arms and his Assistants who serve us each day. We thank you Lord for these men and women who give all of us the comfort of their peaceful presence. In your holy name we pray, Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1746—

A RESOLUTION honoring the life of former Kansas state senator, Jack Janssen.

WHEREAS, Jack Janssen, a former Kansas state senator passed away at the age of 89; and

WHEREAS, Jack Janssen became a legend in his hometown of Lyons, Kansas. He was a builder by trade, but he was also a farmer, rancher, local businessman and a state senator; and

WHEREAS, Mr. Janssen was born on July 6, 1923. He graduated from Lyons High School in 1941 and attended the University of Oklahoma; and

WHEREAS, Mr. Janssen owned and operated Central Real Estate in Lyons, Kansas. He was an avid woodworker, creative writer and artist, and displayed many pieces of work at the Kansas State Fair. He was instrumental in the founding of the Celebration Centre, and the main hall was given the name "Jack W. Janssen Hall"; and

WHEREAS, Mr. Janssen was a member and former president of the Optimist Club of Lyons, a member of the USD 405 School Board for six years, and a Liaison Officer for the Air Force Academy. Mr. Janssen also served as a member of the National Legislative Conference, State Board of Indigents Defense, Government Ethics Committee, Chairman of the Employment Security Board of Review and the Racing

Commission; and

WHEREAS, As a member of the United States Air Force, Mr. Janssen flew bombing missions over France and Germany in WWII. He flew a new B-17 named "Heaven Can Wait." After three years of active duty, Mr. Janssen served in the Air Force Reserves for 23 years, and he retired as a lieutenant colonel. By the time he had flown 35 missions, Janssen got leave to return to the U.S.A. and became a B-25 instructor, and was in the air transport command, ferrying new airplanes everywhere. "It was good duty," he said then, "the ferrying command"; and

WHEREAS, Jack Janssen leaves behind a loving family that will miss him dearly, including his wife, Judith. He served the community of Lyons for many years and served the State of Kansas as a state senator from 1964 to 1980: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life of Jack Janssen. He served the State of Kansas in several capacities, and we are extremely thankful for that service. He will be missed by the community of Lyons and the entire State of Kansas; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Senator Emler.

On emergency motion of Senator Emler **SR 1746** was adopted unanimously.

Senators Petersen, Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1747—

A RESOLUTION recognizing the Boy Scouts of America for the public service it performs through its contributions to the lives of the Nation's boys and young men.

WHEREAS, Scouting is the largest voluntary youth movement in the world, with a membership totaling more than 25 million; and

WHEREAS, The Boy Scouts of America is an organization that was incorporated on February 8, 1910, and recognized by Federal charter on June 15, 1916, to provide an educational program for boys and young men to build strong moral character, train in the responsibilities of participatory citizenship, and develop personal fitness; and

WHEREAS, The Boy Scouts of America teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism and interdependence with the environment, principles which are conducive to good character, citizenship, and health; and

WHEREAS, Since 1910, more than 111,000,000 people have been members of the Boy Scouts of America; and

WHEREAS, The Boy Scouts of America is a model for inclusiveness, with millions of boys and young men from every ethnic, religious, and economic background, including those with disabilities and special needs, participating in scouting programs across the United States; and

WHEREAS, Each local Boy Scout Council commits each Boy Scout to perform 12 hours of community service yearly, for a total of 30,000,000 community service hours each year; and

WHEREAS, More than 1,000,000 adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America; and

WHEREAS, The Supreme Court has ruled that the Boy Scouts of America, as a private, voluntary, non-business organization, has the right to set its own standards for membership and leadership; and

WHEREAS, The Boy Scouts of America have always affirmed faith in God as foundational and essential to its purpose and mission, animated by Lord Baden-Powell's insight that, "God has given us ... the great Book of Nature to read; and (no one can) say that there is untruth there – the facts stand before them"; and

WHEREAS, The Boy Scouts of America enjoys a sustained record of proven success in producing leaders for our nation who are trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the Boy Scouts of America and express appreciation for the public service it performs through its contributions to the lives of the Nation's boys and young men; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to each of the Boy Scout Councils of Kansas and the National Headquarters of the Boy Scouts of America.

On emergency motion of Senator Petersen **SR 1747** was adopted unanimously.

Senator Petersen introduced Mike Johnson, CEO, Quivira Council, and the Senators honored him with a standing ovation.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Hawk as a member of the Conference Committee on **HB 2033** to replace Senator Holland.

The President announced the appointment of Senator Hawk as a member of the Conference Committee on **SB 22** to replace Senator Faust-Goudeau.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Attorney General and the Governor to the Senate for confirmation, were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committee on **Federal and State Affairs**.

By the Attorney General

On the appointment to the:

Kansas Crime Victims Compensation Board:

Nan Porter, Term ends March 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Indigents Defense Services:

Kevin Smith, Term ends January 15, 2016

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

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

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2060, AN ACT concerning taxation; relating to food sales tax refunds and homestead property tax refunds; certain confined persons; earned income tax credit; amending K.S.A. 79-4505 and K.S.A. 2012 Supp. 79-32,205, 79-4502, 79-4508 and 79-4509 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 25; Nays 15; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Longbine, McGinn, Petersen, Pettey, V. Schmidt, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote NO on **HB 2060**. The Earned Income Tax Credit provides an important tax benefit for low-wage workers and encourages employment. I do not support, especially without an analysis of the effects, reducing this benefit to provide benefits to others. I recognize that the majority of the Senate feels differently and is suggesting that the EITC be reduced and some 42 million dollars be used to expand Homestead Property Tax Refunds. If that is the desire of the Senate, and the goal is to help "those who most need our help", then the program for Homestead Property Tax Refunds should be expanded to also reinstate the program for renters.—MARC FRANCISCO

Senators Haley and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2060**.

Madam. President: While I (we) support property tax relief, I (we) do not believe the best way to provide that relief is by reducing the Earned Income Tax Credit. This bill takes from one group of low income families and redistributes it to another group of low income families/individuals. These two groups do not necessarily overlap. HB 2060

makes us choose between two worthy causes, which causes me discomfort voting either way. Reluctantly, we must choose to maintain existing assistance for the low income earner over expanding another benefit. I (we) must vote no to **HB 2060**, but will look for other opportunities for property tax relief in future bills.—MITCH HOLMES

Senators Emler, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Kelly, McGinn, Petersen, Pettey and Wolf requests the record to show they concur with the "Explanation of Vote" offered by Senator Holmes on **HB 2060**.

Madam President: I do support the provision in this bill that disallows incarcerated persons from receiving a food sales tax rebate or a homestead tax refund, but I vote no. I proposed and voted for an amendment to this bill that would have eliminated the Kansas Earned Income Tax Credit reduction while keeping the increase in refunds for recipients of the Kansas Homestead Refund program. I did so because it represented a tax policy that is really fair and takes care of those who benefit from the EITC and those who benefit from the Homestead Tax Refund. And, I believe we should help both. That amendment failed. This bill cuts \$42 million from a program that President Ronald Reagan contended was the best anti-poverty measure ever passed by Congress, and I agree. The EITC encourages work and supplements wages of low income Kansans who are struggling to make ends meet. Reducing the Kansas Earned Income Tax Credit to expand the Homestead Property Tax Refund program is taking money away from the least among us to give money to the least among us. That is why I vote no.—ANTHONY HENSLEY

Senators Faust-Goudeau, Hawk, and Kelly request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2060**.

HB 2253, AN ACT concerning abortion; relating to the funding of abortion services; relating to prenatally and postnatally diagnosed conditions; relating to restrictions on late-term abortions; relating to the woman's-right-to-know act; amending K.S.A. 2012 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 76-3308, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I vote NO on **HB 2253**. The issue of abortion is complex, and I came to the debate on this bill knowing that there was strong support in the legislature for changes to our abortion statutes. I offered amendments that I believed were looking for common ground: to allow insurance policies to cover expenses for a pregnancy that was the result of rape, to allow for tax deductions for medical expenses for an abortion necessary to save the life of a mother, and to be inclusive of domestic partners as well

as spouses in programs and services for women who have received a positive diagnosis of Down Syndrome or other conditions for their child. These amendments were rejected. The bill contains unsubstantiated definitions, references, and requirements, and increased costs for health care clinics. I would hope that we would take a closer look at the language before it becomes law. Ultimately, I don't believe that more government intrusion into a woman's personal decisions makes Kansas families or our state stronger.

—MARCI FRANCISCO

Senator Kelly requests the record to show she concurs with the "Explanation of Vote" offered by Senator Francisco on **HB 2253**.

Madam President: Every child deserves a family that loves and nurtures them. Unfortunately life challenges can force a woman and her family to make a difficult choice. She may not have chosen to become pregnant but she should have factual information if she is going to choose to have an abortion. She is not well-served by false health alarms. I vote no on **HB 2253**.—PAT PETTEY

Senator Francisco requests the record to show she concurs with the "Explanation of Vote" offered by Senator Pettey on **HB 2253**.

REPORT ON ENROLLED BILLS

SB 21, SB 24, SB 25, SB 37, SB 52, SB 58, SB 68, SB 74, SB 75, SB 113, SB 118, SB 135, SB 139, SB 142, SB 166 reported correctly enrolled, properly signed and presented to the Governor on April 2, 2013.

SR 1744, SR 1745 reported correctly enrolled and properly signed on April 2, 2013.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator King moved the Senate concur in House amendments to **SB 16**.

SB 16, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; relating to criminal street gangs; forfeiture; amending K.S.A. 2012 Supp. 21-5302, 21-6313 and 60-4104 and repealing the existing sections.

On roll call, the vote was: Yeas 38; Nays 2; Present and Passing 0; Absent or Not Voting 0.

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

Nays: Faust-Goudeau, Haley.

The Senate concurred.

Senator King moved the Senate concur in House amendments to **SB 81**.

SB 81, AN ACT concerning open records; relating to requests for criminal justice information; public officials' identifying information; amending K.S.A. 2012 Supp. 45-220 and 45-221 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 45-221j and 45-221k.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Senate concurred.

EXPLANATION OF VOTE

Madam President: As our colleague spoke earlier this morning about unintended consequences – I ask my colleagues to be diligent in the conference committee process to guard against unintended consequences. **SB 81** decreases the privacy protection for a person licensed to carry concealed handguns. This is in conflict of what we passed in a previous bill.—CARYN TYSON

Senator Ostmeyer moved the Senate concur in House amendments to **SB 111**.

SB 111, AN ACT concerning native Americans; amending K.S.A. 35-205 and K.S.A. 2012 Supp. 38-2285 and repealing the existing sections.

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

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

The Senate concurred.

Senator Petersen moved the Senate concur in House amendments to **SB 136**.

SB 136, AN ACT concerning the division of vehicles; relating to drivers' licenses and nondriver identification cards; relating to motor vehicle records; amending K.S.A. 2012 Supp. 8-243, 8-1324 and 74-2012 and repealing the existing sections.

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

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

The Senate concurred.

Senator Lynn moved the Senate concur in House amendments to **SB 149**.

SB 149, AN ACT concerning drug screening; amending K.S.A. 2012 Supp. {39-709,} 39-709e {,} 44-706 {and 75-4362} and repealing the existing sections.

On roll call, the vote was: Yeas 29; Nays 9; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Emler, Faust-Goudeau, Haley, Hawk, Hensley, Kelly, McGinn, Pettey, V. Schmidt.

Present and Passing: Francisco, Holland.

The Senate concurred.

On motion of Senator Bruce, the Senate recessed until 1:00 p.m.

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

POINT OF PERSONAL PRIVILEGE

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce members of the Wichita NAACP and other representatives.

Introduced were: Queen Mother, Edith Knox, A'Jay Scipio, Jaime Rogers, Kenya Cox, Kevin Andrews, Delmas White, Bett Townsend, Carla Jackson, Nathaniel Terrell, Janet Diggs, Vada Bower, Joan Williams and Darius Smith.

The Senators honored the guests with a standing ovation.

CHANGE OF REFERENCE

The President withdrew **HB 2199** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Federal and State Affairs**.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Hawk as a member of the Conference Committee on **S Sub for HB 2052** to replace Senator Faust-Goudeau.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Abrams in the chair.

On motion of Senator Abrams the following report was adopted:

The committee report on **HB 2069** was adopted on March 26, 2013 and amended by motion of Senator Lynn, (*See Committee of the Whole for Tuesday, March 26, 2013 for adoption of the committee report and amendment*) and the bill be passed as amended.

A motion by Senator Hensley to amend **HB 2069** failed and the following amendment was rejected: on page 1, by striking all in lines 24 through 32;

On page 2, by striking all in lines 1 through 12; in line 14, by striking "or 2"; in line 17, by striking "or 2";

And by renumbering sections accordingly;

The committee report on **S Sub for HB 2055** recommending a substitute for **S Sub for HB 2055** be adopted.

S Sub for HB 2055 be amended by motion of Senator LaTurner: on page 46, following line 37, by inserting:

"New Sec. 30. (a) Internet or online gambling is:

- (1) Gambling or gaming by use of the internet;
- (2) gambling or gaming by use of any mobile device; or
- (3) intentionally providing or offering to provide any form of internet or online gambling or gaming to any person in this state.

(b) Internet or online gambling is a class B nonperson misdemeanor.";

And by redesignating sections accordingly

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

On roll call, the vote was: Yeas 26; Nays 11; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bruce, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle.

Nays: Bowers, Denning, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, Melcher, Pettey, Wolf.

Present and Passing: Francisco, McGinn, Pilcher-Cook.

The amendment was adopted.

S Sub for HB 2055 be further amended by motion of Senator O'Donnell: on page 46, following line 37, by inserting:

"New Sec. 30. (a) Prior to any state-owned casino, lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee paying any prize requiring the completion of an internal revenue service form W-2G, the manager or licensee shall cause the person winning the prize to be matched against the state debtor files maintained by the director of accounts and reports as prescribed under K.S.A. 75-6201 et seq., and amendments thereto. If it is determined that such person is a state debtor, the prize shall be withheld by the state-owned casino, lottery gaming facility manager, racetrack gaming facility manager or the facility owner licensee to the extent of such person's debt as set forth in the state debtor files.

(b) The state-owned casino, lottery gaming facility managers, racetrack gaming facility managers and facility owner licensees shall not be subject to any civil, criminal or administrative liability for any amount of any prize withheld pursuant to this section that was mistakenly withheld by such state-owned casino, lottery gaming facility managers, racetrack gaming facility managers or facility owner licensees, provided, such mistaken withholding was not due to any intentional, malicious or wanton act by such state-owned casino, lottery gaming facility manager, racetrack gaming facility manager, facility owner licensee or employees or agents thereof. The sole remedy at law for persons who claim that prizes were wrongfully withheld pursuant to this section shall be to submit an appeal to the department of administration pursuant to K.S.A. 75-6201 et seq., and amendments thereto.

(c) Moneys withheld, based on the state debtor files, shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury and credit it to the department of administration's setoff clearing fund 9107.

(d) As used in this section:

(1) "Facility owner licensee" shall have the same meaning as that term is defined in K.S.A. 74-8802, and amendments thereto.

(2) "Racetrack gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(3) "Lottery gaming facility manager" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto.

(4) "Prize" shall have the same meaning as that term is defined in K.S.A. 74-8702, and amendments thereto, and any winnings from parimutuel wagering as provided by the Kansas parimutuel racing act in K.S.A. 74-8801 et seq., and amendments thereto.

(e) The department of administration is hereby authorized to work with the state-owned casinos, lottery gaming facility manager or racetrack gaming facility manager or

facility owner licensee to accomplish the purposes of the state debt setoff program.

(f) This section shall be part of and supplemental to the state debt setoff program.

Sec. 31. K.S.A. 2012 Supp. 75-6204 is hereby amended to read as follows: 75-6204. (a) Subject to the limitations provided in this act, if a debtor fails to pay to the state of Kansas or any state agency, foreign state agency, municipality or the federal department of the treasury an amount owed, the director may setoff such amount against any money held for, or any money owed to, such debtor by the state ~~or~~ any state agency, any state-owned casino, lottery gaming facility manager or racetrack gaming facility manager or facility owner licensee.

(b) The director may enter into an agreement with a municipality for participation in the setoff program for the purpose of assisting in the collection of a debt as defined by K.S.A. 75-6202, and amendments thereto. The director shall include in any such agreement a provision requiring the municipality to certify that the municipality has made at least three attempts to collect a debt prior to submitting such debt to setoff pursuant to this act.";

And by renumbering sections accordingly;

Also on page 46, in line 43, by striking "and 74-8772" and inserting ", 74-8772 and 75-6204";

On page 1, in the title, in line 2, after the semicolon by inserting "debt setoff"; in line 6, by striking "and 74-8772" and inserting ", 74-8772 and 75-6204".

The amendment was adopted.

A motion by Senator Haley to amend **S Sub for HB 2055** failed and the following amendment was rejected: on page 9, by striking all in lines 28 through 30; and by renumbering paragraphs accordingly

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

On roll call, the vote was: Yeas 15; Nays 22; Present and Passing 3; Absent or Not Voting 0.

Yeas: Denning, Francisco, Haley, King, Knox, Love, Lynn, Masterson, McGinn, Olson, Petersen, Pilcher-Cook, Pyle, V. Schmidt, Smith.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Donovan, Emler, Faust-Goudeau, Fitzgerald, Hawk, Hensley, Holland, Holmes, Kerschen, LaTurner, Longbine, Melcher, Ostmeyer, Powell, Tyson, Wagle, Wolf.

Present and Passing: Kelly, O'Donnell, Pettey.

The amendment was adopted.

A motion by Senator Fitzgerald to further amend **S Sub for HB 2055** failed and the following amendment was rejected: on page 1, by striking all in lines 12 through 36; by striking all on pages 2 through 46;

On page 47, by inserting before line 1:

"Section 1. K.S.A. 2012 Supp. 74-8702 is hereby amended to read as follows: 74-8702. As used in the Kansas lottery act, unless the context otherwise requires:

(a) "Ancillary lottery gaming facility operations" means additional non-lottery facility game products and services not owned and operated by the state which may be included in the overall development associated with the lottery gaming facility. Such operations may include, but are not limited to, restaurants, hotels, motels, museums or entertainment facilities.

(b) "Commission" means the Kansas lottery commission.

(c) "Electronic gaming machine" means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the Kansas lottery which, upon insertion of cash, tokens, electronic cards or any consideration, is available to play, operate or simulate the play of a game authorized by the Kansas lottery pursuant to the Kansas expanded lottery act, including, but not limited to, bingo, poker, blackjack, keno and slot machines, and which may deliver or entitle the player operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Electronic gaming machines may use bill validators and may be single-position reel-type, single or multi-game video and single-position multi-game video electronic game, including, but not limited to, poker, blackjack and slot machines. Electronic gaming machines shall be directly linked to a central computer at a location determined by the executive director for purposes of security, monitoring and auditing.

(d) "Executive director" means the executive director of the Kansas lottery.

(e) "Gaming equipment" means any electric, electronic, computerized or electromechanical machine, mechanism, supply or device or any other equipment, which is: (1) Unique to the Kansas lottery and used pursuant to the Kansas lottery act; and (2) integral to the operation of an electronic gaming machine or lottery facility game; and (3) affects the results of an electronic gaming machine or lottery facility game by determining win or loss.

(f) "Gaming zone" means: (1) The northeast Kansas gaming zone, which consists of Wyandotte county; (2) the southeast Kansas gaming zone, which consists of Crawford and Cherokee counties; (3) the south central Kansas gaming zone, which consists of Sedgwick and Sumner counties; and (4) the southwest Kansas gaming zone, which consists of Ford county.

(g) "Gray machine" means any mechanical, electro-mechanical or electronic device, capable of being used for gambling, that is: (1) Not authorized by the Kansas lottery, (2) not linked to a lottery central computer system, (3) available to the public for play or (4) capable of simulating a game played on an electronic gaming machine or any similar gambling game authorized pursuant to the Kansas expanded lottery act.

(h) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

(i) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

(j) "Lottery facility games" means any electronic gaming machines and any other games which, as of January 1, 2007, are authorized to be conducted or operated at a tribal gaming facility, as defined in K.S.A. 74-9802, and amendments thereto, located within the boundaries of this state.

(k) "Lottery gaming enterprise" means an entertainment enterprise which includes a lottery gaming facility authorized pursuant to the Kansas expanded lottery act and ancillary lottery gaming facility operations that have a coordinated business or marketing strategy. A lottery gaming enterprise shall be designed to attract to its lottery gaming facility consumers who reside outside the immediate area of such enterprise.

(l) "Lottery gaming facility" means that portion of a building used for the purposes of operating, managing and maintaining lottery facility games.

(m) "Lottery gaming facility expenses" means normal business expenses, as defined in the lottery gaming facility management contract, associated with the ownership and operation of a lottery gaming facility.

(n) "Lottery gaming facility management contract" means a contract, subcontract or collateral agreement between the state and a lottery gaming facility manager for the management of a lottery gaming facility, the business of which is owned and operated by the Kansas lottery, negotiated and signed by the executive director on behalf of the state.

(o) "Lottery gaming facility manager" means a corporation, limited liability company, resident Kansas American Indian tribe or other business entity authorized to construct and manage, or manage alone, pursuant to a lottery gaming facility management contract with the Kansas lottery, and on behalf of the state, a lottery gaming enterprise and lottery gaming facility.

(p) "Lottery gaming facility revenues" means the total revenues from lottery facility games at a lottery gaming facility after all related prizes are paid.

(q) (1) "Lottery machine" means any machine or device that allows a player to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the player, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the player's or players' skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played;

(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine; or

(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull-tab vending machine or an instant-bingo vending machine.

(2) "Lottery machine" shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies;

(D) any machine excluded from the definition of gambling devices under subsection (d) of K.S.A. 21-4302, prior to its repeal, or K.S.A. 2012 Supp. 21-6403, and amendments thereto; or

(E) any electronic gaming machine or lottery facility game operated in accordance with the provisions of the Kansas expanded lottery act.

(r) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

(s) (1) "Major procurement" means any gaming product or service, including, but not limited to, facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(2) "Major procurement" shall not mean any product, service or other matter covered by or addressed in the Kansas expanded lottery act or a lottery gaming facility management contract or racetrack gaming facility management contract executed pursuant to the Kansas expanded lottery act.

(t) "Net electronic gaming machine income" means all cash or other consideration utilized to play an electronic gaming machine operated at a racetrack gaming facility, less all cash or other consideration paid out to winning players as prizes.

(u) "Organization licensee" has the meaning provided by K.S.A. 74-8802, and amendments thereto.

(v) "Parimutuel licensee" means a facility owner licensee or facility manager licensee under the Kansas parimutuel racing act.

(w) "Parimutuel licensee location" means a racetrack facility, as defined in K.S.A. 74-8802, and amendments thereto, owned or managed by the parimutuel licensee located in Wyandotte county. A parimutuel licensee location may include any existing structure at such racetrack facility or any structure that may be constructed on real estate where such racetrack facility is located.

(x) "Person" means any natural person, association, limited liability company, corporation or partnership.

(y) "Prize" means any prize paid directly by the Kansas lottery pursuant to the Kansas lottery act or the Kansas expanded lottery act or any rules and regulations adopted pursuant to either act.

(z) "Progressive electronic game" means a game played on an electronic gaming machine for which the payoff increases uniformly as the game is played and for which the jackpot, determined by application of a formula to the income of independent, local or interlinked electronic gaming machines, may be won.

(aa) "Racetrack gaming facility" means that portion of a parimutuel licensee location where electronic gaming machines are operated, managed and maintained.

(bb) "Racetrack gaming facility management contract" means an agreement between the Kansas lottery and a racetrack gaming facility manager, negotiated and signed by the executive director on behalf of the state, for placement of electronic gaming machines owned and operated by the state at a racetrack gaming facility.

(cc) "Racetrack gaming facility manager" means a parimutuel licensee specifically certified by the Kansas lottery to become a certified racetrack gaming facility manager and offer electronic gaming machines for play at the racetrack gaming facility.

(dd) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

(ee) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game, except as provided by the Kansas expanded lottery act.

(ff) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game other than a lottery facility game.

(gg) "Token" means a representative of value, of metal or other material, which is not legal tender, redeemable for cash only by the issuing lottery gaming facility manager or racetrack gaming facility manager and which is issued and sold by a lottery gaming facility manager or racetrack gaming facility manager for the sole purpose of playing an electronic gaming machine or lottery facility game.

(hh) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

(ii) "Video lottery machine" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including, but not limited to, bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

Sec 2. K.S.A. 2012 Supp. 74-8734 is hereby amended to read as follows: 74-8734.

(a) The Kansas lottery may operate one lottery gaming facility in each gaming zone.

(b) Not more than 30 days after the effective date of this act the lottery commission shall adopt and publish in the Kansas register the procedure for receiving, considering and approving, proposed lottery gaming facility management contracts. Such procedure shall include provisions for review of competitive proposals within a gaming zone and the date by which proposed lottery gaming facility management contracts must be received by the lottery commission if they are to receive consideration.

(c) The lottery commission shall adopt standards to promote the integrity of the gaming and finances of lottery gaming facilities, which shall apply to all management contracts, shall meet or exceed industry standards for monitoring and controlling the gaming and finances of gaming facilities and shall give the executive director sufficient authority to monitor and control the gaming operation and to ensure its integrity and security.

(d) The Kansas lottery commission may approve management contracts with one or more prospective lottery gaming facility managers to manage, or construct and manage, on behalf of the state of Kansas and subject to the operational control of the Kansas lottery, a lottery gaming facility or lottery gaming enterprise at specified destination locations within the northeast, south central, southwest and southeast Kansas gaming zones where the commission determines the operation of such facility would promote tourism and economic development. The commission shall approve or disapprove a proposed management contract within 90 days after the deadline for receipt of proposals established pursuant to subsection (b).

(e) In determining whether to approve a management contract with a prospective lottery gaming facility manager to manage a lottery gaming facility or lottery gaming enterprise pursuant to this section, the commission shall take into consideration the following factors: The size of the proposed facility; the geographic area in which such facility is to be located; the proposed facility's location as a tourist and entertainment destination; the estimated number of tourists that would be attracted by the proposed facility; the number and type of lottery facility games to be operated at the proposed facility; and agreements related to ancillary lottery gaming facility operations.

(f) Subject to the requirements of this section, the commission shall approve at least one proposed lottery gaming facility management contract for a lottery gaming facility in each gaming zone.

(g) The commission shall not approve a management contract unless:

(1) (A) The prospective lottery gaming facility manager is a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; and (ii) has three consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301,

and amendments thereto, operated pursuant to state or federal law; or

(B) the prospective lottery gaming facility manager is not a resident Kansas American Indian tribe and, at a minimum: (i) Has sufficient access to financial resources to support the activities required of a lottery gaming facility manager under the Kansas expanded lottery act; (ii) is current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes; and (iii) has three consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; and

(2) the commission determines that the proposed development consists of an investment in infrastructure, including ancillary lottery gaming facility operations, of at least \$225,000,000 in the northeast, ~~southeast~~ and south central Kansas gaming zones and of at least \$50,000,000 in the ~~southeast and~~ southwest Kansas gaming ~~zone~~ zones. The commission, in determining whether the minimum investment required by this subsection is met, shall not include any amounts derived from or financed by state or local retailers' sales tax revenues.

(h) Any management contract approved by the commission under this section shall:

(1) Have a maximum initial term of 15 years from the date of opening of the lottery gaming facility. At the end of the initial term, the contract may be renewed by mutual consent of the state and the lottery gaming facility manager;

(2) specify the total amount to be paid to the lottery gaming facility manager pursuant to the contract;

(3) establish a mechanism to facilitate payment of lottery gaming facility expenses, payment of the lottery gaming facility manager's share of the lottery gaming facility revenues and distribution of the state's share of the lottery gaming facility revenues;

(4) include a provision for the lottery gaming facility manager to pay the costs of oversight and regulation of the lottery gaming facility manager and the operations of the lottery gaming facility by the Kansas racing and gaming commission;

(5) establish the types of lottery facility games to be installed in such facility;

(6) provide for the prospective lottery gaming facility manager, upon approval of the proposed lottery gaming facility management contract, to pay to the state treasurer a privilege fee of \$25,000,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the northeast, ~~southeast~~ or south central Kansas gaming zone and \$5,500,000 for the privilege of being selected as a lottery gaming facility manager of a lottery gaming facility in the ~~southeast or~~ southwest Kansas gaming zone. Such fee shall be deposited in the state treasury and credited to the lottery gaming facility manager fund, which is hereby created in the state treasury;

(7) incorporate terms and conditions for the ancillary lottery gaming facility operations;

(8) designate as key employees, subject to approval of the executive director, any employees or contractors providing services or functions which are related to lottery facility games authorized by a management contract;

(9) include financing commitments for construction;

(10) include a resolution of endorsement from the city governing body, if the proposed facility is within the corporate limits of a city, or from the county commission,

if the proposed facility is located in the unincorporated area of the county;

(11) include a requirement that any parimutuel licensee developing a lottery gaming facility pursuant to this act comply with all orders and rules and regulations of the Kansas racing and gaming commission with regard to the conduct of live racing, including the same minimum days of racing as specified in K.S.A. 2012 Supp. 74-8746, and amendments thereto, for operation of electronic gaming machines at racetrack gaming facilities;

(12) include a provision for the state to receive not less than 22% of lottery gaming facility revenues, which shall be paid to the expanded lottery act revenues fund established by K.S.A. 2012 Supp. 74-8768, and amendments thereto;

(13) include a provision for 2% of lottery gaming facility revenues to be paid to the problem gambling and addictions grant fund established by K.S.A. 2012 Supp. 79-4805, and amendments thereto;

(14) if the prospective lottery gaming facility manager is an American Indian tribe, include a provision that such tribe agrees to waive its sovereign immunity with respect to any actions arising from or to enforce either the Kansas expanded lottery act or any provision of the lottery gaming facility management contract; any action brought by an injured patron or by the state of Kansas; any action for purposes of enforcing the workers compensation act or any other employment or labor law; and any action to enforce laws, rules and regulations and codes pertaining to health, safety and consumer protection; and for any other purpose deemed necessary by the executive director to protect patrons or employees and promote fair competition between the tribe and others seeking a lottery gaming facility management contract;

(15) (A) if the lottery gaming facility is located in the northeast or southwest Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 3% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located; or (B) if the lottery gaming facility is located in the northeast or southwest Kansas gaming zone and is located within a city, include provision for payment of an amount equal to 1.5% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located and an amount equal to 1.5% of such revenues to the county in which such facility is located;

(16) (A) if the lottery gaming facility is located in the southeast or south central Kansas gaming zone and is not located within a city, include a provision for payment of an amount equal to 2% of the lottery gaming facility revenues to the county in which the lottery gaming facility is located and an amount equal to 1% of such revenues to the other county in such zone; or (B) if the lottery gaming facility is located in the southeast or south central Kansas gaming zone and is located within a city, provide for payment of an amount equal to 1% of the lottery gaming facility revenues to the city in which the lottery gaming facility is located, an amount equal to 1% of such revenues to the county in which such facility is located and an amount equal to 1% of such revenues to the other county in such zone;

(17) allow the lottery gaming facility manager to manage the lottery gaming facility in a manner consistent with this act and applicable law, but shall place full, complete and ultimate ownership and operational control of the gaming operation of the lottery gaming facility with the Kansas lottery. The Kansas lottery shall not delegate and shall explicitly retain the power to overrule any action of the lottery gaming facility manager affecting the gaming operation without prior notice. The Kansas lottery shall retain full

control over all decisions concerning lottery gaming facility games;

(18) include provisions for the Kansas racing and gaming commission to oversee all lottery gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and credentialing of employees, contractors and agents of the lottery gaming facility manager and of ancillary lottery gaming facility operations, as determined by the Kansas racing and gaming commission; auditing of lottery gaming facility revenues; enforcement of all state laws and maintenance of the integrity of gaming operations; and

(19) include enforceable provisions: (A) Prohibiting the state, until July 1, 2032, from: (i) Entering into management contracts for more than four lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone, one to be located in the southwest Kansas gaming zone and one to be located in the southeast Kansas gaming zone; (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized; or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the lottery gaming facility manager an amount equal to the privilege fee paid by such lottery gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(i) The power of eminent domain shall not be used to acquire any interest in real property for use in a lottery gaming enterprise.

(j) Any proposed management contract for which the privilege fee has not been paid to the state treasurer within 30 days after the date of approval of the management contract shall be null and void.

(k) A person who is the manager of the racetrack gaming facility in a gaming zone shall not be eligible to be the manager of the lottery gaming facility in the same zone.

(l) Management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine the lottery gaming facility revenues, unclaimed prizes and credits;

(2) minimum requirements for a lottery gaming facility manager to provide qualified oversight, security and supervision of the lottery facility games including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a lottery gaming facility manager who will have responsibility for or involvement with actual gaming activities or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing requirements for any employee, contractor or agent of the lottery gaming facility manager or of any ancillary lottery gaming facility operation as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct any lottery facility game in a legal and fair manner.

(m) A management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated. The trustee of any insolvent or bankrupt lottery gaming facility manager may continue to operate pursuant to the management contract under order of the appropriate court for no longer than one year after the bankruptcy or insolvency of such manager.

(n) (1) The Kansas lottery shall be the licensee and owner of all software programs used at a lottery gaming facility for any lottery facility game.

(2) A lottery gaming facility manager, on behalf of the state, shall purchase or lease for the Kansas lottery all lottery facility games. All lottery facility games shall be subject to the ultimate control of the Kansas lottery in accordance with this act.

(o) A lottery gaming facility shall comply with any planning and zoning regulations of the city or county in which it is to be located. The executive director shall not contract with any prospective lottery gaming facility manager for the operation and management of such lottery gaming facility unless such manager first receives any necessary approval under planning and zoning requirements of the city or county in which it is to be located.

(p) Prior to expiration of the term of a lottery gaming facility management contract, the lottery commission may negotiate a new lottery gaming facility management contract with the lottery gaming facility manager if the new contract is substantially the same as the existing contract. Otherwise, the lottery gaming facility review board shall be reconstituted and a new lottery gaming facility management contract shall be negotiated and approved in the manner provided by this act.

Sec. 3. K.S.A. 2012 Supp. 74-8741 is hereby amended to read as follows: 74-8741.

(a) The executive director of the Kansas lottery shall negotiate a racetrack gaming facility management contract to place electronic gaming machines at one parimutuel licensee location in each gaming zone except the southwest Kansas gaming zone.

(b) To be eligible to enter into a racetrack gaming facility management contract the prospective racetrack gaming facility manager shall, at a minimum:

(1) Have sufficient access to financial resources to support the activities required of a racetrack gaming facility manager under the Kansas expanded lottery act; and

(2) be current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas and any taxing subdivision where such prospective manager is located in the state of Kansas, excluding items under formal appeal pursuant to applicable statutes.

(c) A racetrack gaming facility management contract shall include:

(1) The term of the contract;

(2) provisions for the Kansas racing and gaming commission to oversee all racetrack gaming facility operations, including, but not limited to: Oversight of internal controls; oversight of security of facilities; performance of background investigations, determination of qualifications and any required certification or licensing of officers, directors, board members, employees, contractors and agents of the racetrack gaming facility manager; auditing of net electronic gaming machine income and maintenance of

the integrity of electronic gaming machine operations;

(3) provisions for the racetrack gaming facility manager to pay the costs of oversight and regulation of the racetrack gaming facility manager under this act and such manager's racetrack gaming facility operations by the Kansas lottery and the Kansas racing and gaming commission; and

(4) enforceable provisions: (A) Prohibiting the state, until July 1, 2032, from: (i) Entering into management contracts for more than ~~three~~four lottery gaming facilities or similar gaming facilities, one to be located in the northeast Kansas gaming zone, one to be located in the south central Kansas gaming zone ~~and~~, one to be located in the southeast Kansas gaming zone, ~~and one to be located in the southwest Kansas gaming zone~~; (ii) designating additional areas of the state where operation of lottery gaming facilities or similar gaming facilities would be authorized; or (iii) operating an aggregate of more than 2,800 electronic gaming machines at all parimutuel licensee locations; and (B) requiring the state to repay to the racetrack gaming facility manager an amount equal to the privilege fee paid by such racetrack gaming facility manager, plus interest on such amount, compounded annually at the rate of 10%, if the state violates the prohibition provision described in (A).

(d) Racetrack gaming facility management contracts authorized by this section may include provisions relating to:

(1) Accounting procedures to determine net electronic gaming machine income, unclaimed prizes and credits;

(2) minimum requirements for a racetrack gaming facility manager to provide qualified oversight, security and supervision of electronic gaming machines including the use of qualified personnel with experience in applicable technology;

(3) eligibility requirements for employees, contractors or agents of a racetrack gaming facility manager who will have responsibility for or involvement with electronic gaming machines or for the handling of cash or tokens;

(4) background investigations to be performed by the Kansas racing and gaming commission;

(5) credentialing or certification requirements of any employee, contractor or agent as provided by the Kansas expanded lottery act or rules and regulations adopted pursuant thereto;

(6) provision for termination of the management contract by either party for cause; and

(7) any other provision deemed necessary by the parties, including such other terms and restrictions as necessary to conduct racetrack gaming facility operations in a legal and fair manner.

(e) A person who is the manager of a lottery gaming facility in a gaming zone shall not be eligible to be the manager of the racetrack gaming facility in the same zone.

(f) A racetrack gaming facility management contract shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, except upon approval by the executive director, nor shall it be subject to being encumbered or hypothecated.

Sec. 4. K.S.A. 2012 Supp. 74-8744 is hereby amended to read as follows: 74-8744.
(a) In accordance with rules and regulations adopted by the commission, the executive director shall have general responsibility for the implementation and administration of the provisions of this act relating to racetrack gaming facility operations, including the

responsibility to:

(1) Certify net electronic gaming machine income by inspecting records, conducting audits, having agents of the Kansas lottery on site or by any other reasonable means; and

(2) assist the commission in the promulgation of rules and regulations concerning the operation of racetrack gaming facilities, which rules and regulations shall include, without limitation, the following:

(A) The number of electronic gaming machines allocated for placement at each racetrack gaming facility, subject to the provisions of subsection (b);

(B) standards for advertising, marketing and promotional materials used by racetrack gaming facility managers;

(C) the kind, type, number and location of electronic gaming machines at any racetrack gaming facility; and

(D) rules and regulations and procedures for the accounting and reporting of the payments required from racetrack gaming facility managers under K.S.A. 2012 Supp. 74-8766, and amendments thereto, including the calculations required for such payments.

(b) Rules and regulations establishing the minimum and maximum number of electronic gaming machines allocated for placement at each racetrack gaming facility shall be adopted and published not later than 120 days after the effective date of this act. Such rules and regulations shall be subject to the following:

(1) At least ~~600~~400, but not more than 1,200 electronic gaming machines shall be allocated to and placed at each racetrack gaming facility.

(2) The total number of electronic gaming machines allocated to and placed at all racetrack gaming facilities in the state shall not exceed 2,800. ~~Until lottery gaming facility management contracts for lottery gaming facilities in all gaming zones become binding, the total number of electronic gaming machines placed at all racetrack gaming facilities shall not exceed 2,200. When lottery gaming facility management contracts for lottery gaming facilities in all gaming zones have become binding, the lottery commission shall take privilege fee bids from the lottery gaming facility manager and racetrack gaming facility manager in each gaming zone for the remaining electronic gaming machines allocated to but not yet placed at the racetrack gaming facility in such zone. The minimum bid shall be a privilege fee of \$2,500 per electronic gaming machine. If the racetrack gaming facility manager submits the highest bid, the lottery commission shall place the remaining electronic gaming machines at the racetrack gaming facility. If the lottery gaming facility manager submits the highest bid, the commission shall not place any additional electronic gaming machines at the racetrack gaming facility.~~

(3) ~~In addition to any privilege fee paid pursuant to paragraph (2),~~ Each racetrack gaming facility manager shall pay a privilege fee of \$2,500 for each electronic gaming machine placed at the racetrack gaming facility ~~for which a privilege fee is not paid pursuant to paragraph (2).~~

(4) The racetrack gaming facility manager shall pay the privilege fees provided by this subsection to the executive director, who shall remit the entire amount to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the expanded lottery act revenues fund.

Sec. 5. K.S.A. 2012 Supp. 74-8746 is hereby amended to read as follows: 74-8746.

~~(a) Except as provided in subsection (b):~~

~~(1) No electronic gaming machines shall be operated at a parimutuel licensee location in Sedgwick county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 100 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 for at least 25 weeks with at least 13 live races conducted each day for not less than five days per week.~~

~~(2) No electronic gaming machines shall be operated at a parimutuel licensee location in Wyandotte county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts live horse racing programs for at least 60 days, with at least 10 live races conducted each program, and must offer and make a reasonable effort to conduct a minimum number of three live races restricted for quarter horses each day and seven live thoroughbred races each day, of which not less than two races each day shall be limited to registered Kansas-bred horses apportioned in the same ratio that live races are offered, except that the licensee shall not be required to conduct the second live race restricted to Kansas-bred horses unless there are at least seven qualified entries for such race, and with at least 100 live greyhound races each calendar week for at least the same number of weeks raced during calendar year 2003, with at least 13 live races conducted each day for not less than five days per week.~~

~~(3) No electronic gaming machines shall be operated at a parimutuel licensee location in Crawford county unless, during the first full calendar year and each year thereafter in which electronic gaming machines are operated at such location, the parimutuel licensee conducts at such location at least 85 live greyhound races each calendar week for the number of weeks raced during calendar year 2003 for at least 25 weeks in Sedgwick county, with at least 12 live races conducted each day for not less than five days per week.~~

~~(4) If a parimutuel licensee has not held live races pursuant to a schedule approved by the Kansas racing and gaming commission in the preceding 12 months, the Kansas racing and gaming commission shall hold a hearing to determine the number of days of live racing required for the remaining days of the first calendar year of operation to qualify for operation of electronic gaming machines. At such hearing, the commission shall receive testimony and evidence from affected breed groups, the licensee and others, as the Kansas racing and gaming commission deems appropriate concerning the schedule of live race days. The operation of electronic gaming machines shall not commence more than 90 days prior to the start of live racing at such facility.~~

~~(b) The Kansas racing and gaming commission may not grant exceptions to the requirements of subsection (a) for a parimutuel licensee conducting live racing unless such exception is in the form of an agreement which: (1) Is between the parimutuel licensee and the affected recognized greyhound or recognized horsemen's group, as defined in K.S.A. 74-8802, and amendments thereto; (2) has been approved by the appropriate official breed registering agencies; and (3) has been submitted to and approved by the commission. In the case of emergencies, weather related issues or immediate circumstances beyond the control of the licensee, the Kansas racing and gaming commission may grant an exception.~~

New Sec. 6. (a) Net electronic gaming machine income from a racetrack gaming facility in the northeast Kansas gaming zone located in Wyandotte county shall be distributed as follows:

(1) To the racetrack gaming facility manager, an amount equal to 66.5% of net electronic gaming machine income in the first two years of operation and 64.5% of the net electronic gaming machine income in the third and fourth years of operation and 62.5% of the net electronic gaming machine income in all subsequent years;

(2) 2% of the electronic gaming machine income to the county in which the racetrack gaming facility is located;

(3) 8% of the net electronic gaming machine income shall be credited to the live horse racing purse supplement fund established by K.S.A. 2012 Supp. 74-8767, and amendments thereto, during the first and second years of operation, 10% of the net electronic gaming machine income during the third and fourth years of operation and 12% of the net electronic gaming machine income in all subsequent years;

(4) 1% of net electronic gaming machine income shall be credited to the problem gambling and addictions grant fund established by K.S.A. 2012 Supp. 79-4805, and amendments thereto;

(5) 1% of net electronic gaming machine income shall be credited to the Kansas horse fair racing benefit fund established by K.S.A. 74-8838, and amendments thereto; and

(6) 22% of net electronic gaming machine income shall be credited to the expanded lottery act revenues fund.

(b) A racetrack gaming facility management contract may include provisions for a parimutuel license or any other entity to pay the parimutuel licensee's expenses related to electronic gaming machines, as the executive director deems appropriate.

Sec. 7. K.S.A. 2012 Supp. 74-8751 is hereby amended to read as follows: 74-8751. The Kansas racing and gaming commission, through rules and regulations, shall establish:

(a) A certification requirement, and enforcement procedure, for officers, directors, key employees and persons directly or indirectly owning a ~~0.5%~~5% or more interest in a lottery gaming facility manager or racetrack gaming facility manager. Such certification requirement shall include compliance with such security, fitness and background investigations and standards as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits or associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, such certification requirements shall include such security, fitness and background investigations and standards, for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. The

Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(b) a certification requirement, and enforcement procedure, for those persons, including electronic gaming machine manufacturers, technology providers and computer system providers, who propose to contract with a lottery gaming facility manager, a racetrack gaming facility manager or the state for the provision of goods or services related to a lottery gaming facility or racetrack gaming facility, including management services. Such certification requirements shall include compliance with such security, fitness and background investigations and standards of officers, directors, key gaming employees and persons directly or indirectly owning a ~~0.5%~~5% or more interest in such entity as the executive director of the Kansas racing and gaming commission deems necessary to determine whether such person's reputation, habits and associations pose a threat to the public interest of the state or to the reputation of or effective regulation and control of the lottery gaming facility or racetrack gaming facility. In the case of a publicly traded company subject to the jurisdiction of the United States securities and exchange commission, or equivalent foreign securities law, such certification requirements shall include such security, fitness and background investigations and standards, for officers, directors, key gaming employees and persons directly or indirectly owning a 5% or more interest in such entity, and shall specify that such publicly traded company annually provide a list of all identifiable shareholders. In the case of institutional investors in a publicly traded company, the certification requirement shall provide a procedure for issuance of waivers of the background investigation requirement by the executive director of the Kansas racing and gaming commission. Any person convicted of any felony, a crime involving gambling or a crime of moral turpitude prior to applying for a certificate hereunder or at any time thereafter shall be deemed unfit. If the executive director of the racing and gaming commission determines the certification standards of another state are comprehensive, thorough and provide similar adequate safeguards, the executive director may certify an applicant already certified in such state without the necessity of a full application and background check. The Kansas racing and gaming commission shall conduct the security, fitness and background checks required pursuant to this subsection. Certification pursuant to this subsection shall not be assignable or transferable;

(c) provisions for revocation of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~5% or more interest therein: (1) Has knowingly provided false or misleading material information to the Kansas lottery or its employees; or (2) has been convicted of a felony, gambling related offense or any crime of moral turpitude; and

(d) provisions for suspension, revocation or nonrenewal of a certification required by subsection (a) or (b) upon a finding that the certificate holder, an officer or director thereof or a person directly or indirectly owning a ~~0.5%~~5% or more interest therein: (1) Has failed to notify the Kansas lottery about a material change in ownership of the certificate holder, or any change in the directors or officers thereof; (2) is delinquent in remitting money owed to the Kansas lottery; (3) has violated any provision of any contract between the Kansas lottery and the certificate holder; or (4) has violated any provision of the Kansas expanded lottery act or any rule and regulation adopted

hereunder.

Sec. 8. K.S.A. 2012 Supp. 74-8702, 74-8734, 74-8741, 74-8744, 74-8746, 74-8747 and 74-8751 are hereby repealed.";

And by redesignating sections accordingly;

On page 1, in the title, by striking all in lines 1 through 9, and inserting:

"AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing; amending K.S.A. 2012 Supp. 74-8702, 74-8734, 74-8741, 74-8744, 74-8746 and 74-8751 and repealing the existing sections and also repealing K.S.A. 2012 Supp. 74-8747."

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

On roll call, the vote was: Yeas 17; Nays 20; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Bowers, Denning, Fitzgerald, Francisco, Haley, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Olson, Pilcher-Cook, Wolf.

Nays: Apple, Arpke, Bruce, Donovan, Emler, Holmes, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Ostmeyer, Petersen, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle.

Present and Passing: Faust-Goudeau, Hawk, Pettey.

The motion failed and the amendment was rejected.

An amendment by Senator Fitzgerald was withdrawn.

Pursuant to Rule 26, a motion by Senator Fitzgerald to lay on the table failed.

CONSIDERATION OF APPOINTMENTS

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

Senator Bruce moved the following appointments be confirmed as recommended by the Committee on **Ways and Means**.

By the Governor

On the appointment to the:

Kansas Public Employees Retirement Board of Trustees:

Lois Cox, Term expires January 15, 2017

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

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

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

Patrice Petersen-Klein, Term expires January 15, 2017

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-

Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf. The appointment was confirmed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Masterson moved the Senate concur in House amendments to **SB 27**.

SB 27, AN ACT concerning the military service scholarship program act; relating to qualified students; amending K.S.A. 2012 Supp. 74-32,228 and repealing the existing section.

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

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

The Senate concurred.

Senator Love moved the Senate concur in House amendments to **SB 56**.

SB 56, AN ACT concerning county fairs; transferring recognition of county fairs and fair associations from the secretary of agriculture to the board of county commissioners; amending K.S.A. 19-1561b and K.S.A. 2012 Supp. 2-127, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137 and 2-144d and repealing the existing sections.

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

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

The Senate concurred.

Senator Love moved the Senate concur in House amendments to **SB 120**.

SB 120, AN ACT concerning agriculture; enacting the Kansas farmers' market promotion act.

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

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

The Senate concurred.

Senator Abrams moved the Senate concur in House amendments to **SB 128**.

SB 128, AN ACT concerning career technical education; amending K.S.A. 2012 Supp. 72-4484 and 72-4489 and repealing the existing sections.

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

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

The Senate concurred.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **S Sub for HB 2055** and **HB 2069** were advanced to Final Action and roll call.

HB 2069, AN ACT concerning employer leave policies for employees; declaring certain city ordinances and county resolutions to be against public policy.

On roll call, the vote was: Yeas 31; Nays 9; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey.

The bill passed, as amended.

S Sub for HB 2055, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2012 Supp. 12-4516, 21-6109, 21-6110, 21-6614, 60-2102, 72-6624, 74-8702, 74-8710, 74-8716, 74-8733, 74-8734, 74-8736, 74-8750, 74-8751, 74-8752, 74-8753, 74-8754, 74-8755, 74-8756, 74-8757, 74-8758, 74-8760, 74-8762, 74-8764, 74-8765, 74-8766, 74-8771 and 74-8772 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 74-8740, 74-8741, 74-8742, 74-8743, 74-8744, 74-8745, 74-8746, 74-8747, 74-8749 and 74-8767.

On roll call, the vote was: Yeas 15; Nays 24; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Bruce, Denning, Donovan, Holmes, Kerschen, LaTurner, Longbine, Masterson, Melcher, O'Donnell, Petersen, Powell, Wagle, Wolf.

Nays: Apple, Arpke, Bowers, Emler, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Knox, Love, Lynn, McGinn, Olson, Ostmeyer, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson.

Present and Passing: Faust-Goudeau.

The substitute bill did not pass.

EXPLANATION OF VOTE

Madam President: I vote NO on **S Sub for HB 2055** because of the rushed way the bill has been brought to this chamber and represented. **S Sub for HB 2055** would expand gaming in Kansas by substantially lowering the "buy in" threshold for a casino in southeast Kansas. This bill was sold on the premise that it would limit gambling in Kansas by eliminating the possibility for three racetracks to reopen. However, there are already significant impediments to these racetracks reopening, otherwise they would have done so. In fact, an amendment was offered to cut the proceeds the Woodlands racetrack would have to pay because under current law the operation is not financially

feasible. If we are going to seriously look at gambling bills, they should go through the proper committee process to provide transparency and security for the citizens of Kansas.— CAROLYN MCGINN

MESSAGES FROM THE GOVERNOR

SB 62, SB 69 approved on April 2, 2013.

MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2213**, requests a conference and has appointed Representatives Johnson, Howell and Wolfe Moore as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2319**, requests a conference and has appointed Representatives Kelley, Cassidy and Trimmer as conferees on the part of the House.

The House concurs in Senate amendments to **S Sub for HB 2011**.

The House nonconcur in Senate amendments to **HB 2060**, requests a conference and has appointed Representatives Carlson, Schwab and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2253**, requests a conference and has appointed Representatives Siegfried, Brunk and Ruiz as conferees on the part of the House.

The House announced the appointment of Reps. Siegfried, Brunk and Ruiz as conferees on **SB 102** to replace Reps. DeGraaf, Howell and Lane.

ORIGINAL MOTION

On motion of Senator Abrams, the Senate acceded to the request of the House for a conference on **HB 2319**.

The President appointed Senators Abrams, Arpke and Hensley as conferees on the part of the Senate.

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2060**.

The President appointed Senators Donovan, Tyson and Holland as conferees on the part of the Senate.

On motion of Senator Smith, the Senate acceded to the request of the House for a conference on **HB 2213**.

The President appointed Senators King, Masterson and Kelly as conferees on the part of the Senate.

On motion of Senator Pilcher-Cook, the Senate acceded to the request of the House for a conference on **HB 2253**.

The President appointed Senators Pilcher-Cook, Bowers and Kelly as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2199** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2199," as follows:

"Senate Substitute for HOUSE BILL No. 2199

By Committee on Federal and State Affairs

"AN ACT concerning certain state officers; amending K.S.A. 75-3727a and K.S.A. 2012 Supp. 75-4203 and repealing the existing sections."; and the substitute bill 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:

Member, Kansas Development Finance Authority: K.S.A. 74-8903

James Cusser, to fill a term expiring on January 15, 2017.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, April 3, 2013.

Journal of the Senate

FIFTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 3, 2013, 10:00 a.m.

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

Creator God, you have made all that has been, is, and will be. In the wonder and midst of your creation we know that it takes many people to make the engine of government run. As we near the end of this session, we thank you Lord for the members of the Legislative services, for the printers and attendants, for the staff assistants and for Don's hot coffee. We give you thanks O God for all who strive to help these legislators do the work of representing the people of our state. Having the right people in the right place at the right time is not a co-incidence; it is a God-incident. With thanksgiving we pray, Amen

The Pledge of Allegiance was led by President Susan Wagle.

POINT OF PERSONAL PRIVILEGE

President Wagle introduced the Rev. Fred Holloman, former Senate Chaplain, who was visiting the Senate. The Senators acknowledged him with a standing ovation.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2105** 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.

JULIA LYNN
SUSAN WAGLE
TOM HOLLAND

Conferees on part of Senate

CHANGE OF CONFERENCE

The President announced the appointment of Senator Francisco as a member of the Conference Committee on **HB 2253** to replace Senator Kelly.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the following report was adopted:

SB 152, SB 181 be passed.

SB 231 be amended by the adoption of the committee amendments, and the bill be passed as amended.

The committee report on **S Sub for HB 2167** recommending a substitute for **S Sub for HB 2167** be adopted, and the substitute bill be passed.

The committee report on **S Sub for HB 2199** recommending a substitute for **S Sub for HB 2199** be adopted, and the bill be amended by motion of Senator Ostmeyer: on page 1, following line 35, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 77-420 is hereby amended to read as follows: 77-420.

(a) Every rule and regulation proposed to be adopted by any state agency, before being submitted to the attorney general under this section, shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar subject to such requirements as to organization, style, orthography and grammar as the secretary may adopt. Every rule and regulation submitted to the secretary of administration under this subsection (a) shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the secretary of administration under this subsection (a) shall be stamped as approved and the date of such approval shall be indicated therein.

(b) Every rule and regulation proposed by any state agency which has been approved by the secretary of administration as provided in subsection (a) before being adopted or filed shall be submitted to the attorney general for an opinion as to the legality of the same, including whether the making of such rule and regulation is within the authority conferred by law on the state agency. The attorney general shall promptly furnish an opinion as to the legality of the proposed rule and regulation so submitted. Every rule and regulation submitted to the attorney general under this subsection (b) shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the attorney general under this subsection (b) shall be stamped as approved and the date of such approval shall be indicated therein.

(c) No rule and regulation shall be filed by the secretary of state unless:

(1) The organization, style, orthography and grammar have been approved by the secretary of administration;

(2) the rule and regulation has been approved in writing by the attorney general as to legality;

(3) the rule and regulation has been formally adopted by the state agency after it has been approved by the secretary of administration and the attorney general and is accompanied by a certified or other formal statement of adoption when adoption is by an executive officer of a state agency, or by a certified copy of the roll call vote required for its adoption by K.S.A. 77-421, and amendments thereto, when adoption is by a board, commission, authority or other similar body;

(4) the rule and regulation to be filed is accompanied by a copy of the economic

impact statement as provided by K.S.A. 77-416, and amendments thereto; and

(5) the rule and regulation to be filed is accompanied by a copy of the environmental benefit statement required by K.S.A. 77-416, and amendments thereto, if applicable.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement provisions of K.S.A. 2012 Supp. 41-308d, 41-354, 41-713 and 41-2655 shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of revenue until revised, amended, revoked or nullified pursuant to law. K.S.A 2012 Supp. 41-308d, 41-354, 41-713 and 41-2655 shall be a part of and supplemental to the Kansas liquor control act."

And by redesignating sections accordingly;

Also on page 1, in line 36, following "75-4203" by inserting "and 77-420";

Also on page 1, in the title, in line 2, following "and" by inserting "77-420 and"

S Sub for HB 2199 be passed as amended.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **SB 152**, **SB 181**, **SB 231**; **HB 2167** and **HB 2199** were advanced to Final Action and roll call.

SB 152, AN ACT concerning health insurance; pertaining to continuation of health insurance for spouse and dependent children of firefighters and law enforcement officers; amending K.S.A. 2012 Supp. 40-1709 and repealing the existing section.

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

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

The bill passed.

EXPLANATION OF VOTE

Madam President: **SB 152** is just a small tribute to those who gave everything in service to Kansas and their communities. I thank the fallen men and women of law enforcement and remember their families with my "yes" vote.—GREG SMITH

Senators Apple, Haley, Kelly, King, Love, Olson and Petersen request the record to show they concur with the "Explanation of Vote" offered by Senator Smith on **SB 152**.

SB 181, AN ACT concerning personal property taxation; relating to motor vehicles; computation of amount of tax; state school district ad valorem tax levy; amending K.S.A. 79-5105 and repealing the existing section.

On roll call, the vote was: Yeas 19; Nays 19; Present and Passing 2; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bowers, Bruce, Donovan, Emler, Faust-Goudeau, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Masterson, Melcher, O'Donnell, Petersen, Powell, Tyson, Wagle.

Nays: Apple, Denning, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, Lynn, McGinn, Olson, Ostmeyer, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Wolf.

Present and Passing: Longbine, Love.

A constitutional majority having failed to vote in favor of the bill, **SB 181** did not pass.

EXPLANATION OF VOTE

Madam President: **SB 181** may be good for car sales but the loss in tax receipts to local units of government is costly. We cannot continue to take funding from local government and expect them to provide adequate public safety and all the other services our constituents expect. I vote no.—PAT PETTEY

Senator Haley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Pettey on **SB 181**.

SB 231, AN ACT concerning economic development; relating to rural opportunity zones; amending K.S.A. 2012 Supp. 74-50,222 and repealing the existing section.

On roll call, the vote was: Yeas 28; Nays 12; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Donovan, Emler, Faust-Goudeau, Fitzgerald, Hawk, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, Melcher, O'Donnell, Olson, Petersen, Pettey, Powell, Pyle, V. Schmidt, Tyson, Wagle.

Nays: Denning, Francisco, Haley, Hensley, Holland, Kelly, Lynn, McGinn, Ostmeyer, Pilcher-Cook, Smith, Wolf.

The bill passed, as amended.

S Sub for HB 2167, AN ACT concerning fireworks; amending K.S.A. 2012 Supp. 31-505 and repealing the existing section; also repealing K.S.A. 31-155 and 31-156.

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

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

Nays: Pilcher-Cook.

The substitute bill passed.

S Sub for HB 2199, AN ACT concerning certain state officers; amending K.S.A. 75-3727a and K.S.A. 2012 Supp. 75-4203 and repealing the existing sections.

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

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

The substitute bill passed, as amended.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub for SB 83**.

The House concurs in Senate amendments to **HB 2128**, and requests return of the bill.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

The Senate met, pursuant to recess, with Senator King in the Chair.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2201** 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.

On motion of Senator Apple the Senate adopted the conference committee report on **HB 2201**, and requested a new conference be appointed. The Vice President appointed Senators Apple, Knox and Francisco as Second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hawk and Love introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1750—

A RESOLUTION congratulating and commending Kansas State University quarterback Collin Klein for his achievements on and off the football field.

WHEREAS, Collin Klein was born September 19, 1989, and played football for Loveland High School in Colorado and set school records for completion percentage and all-purpose yards; and

WHEREAS, Collin Klein was a coach before he was a quarterback. When his younger brother Kyle joined a flag football team, Collin assumed the role of defensive coordinator. He did not start playing football until he was old enough for high school; and

WHEREAS, Collin Klein made his first career start at quarterback for Kansas State University in a win against the Texas Longhorns in 2010. Collin's leadership qualities led him to be selected as a three-time team captain for K-State; and

WHEREAS, During his illustrious career, Collin Klein earned many awards. He was named a 2012 second team All-American by the Associated Press. He won the 2012 Johnny Unitas Golden Arm Award, the 2012 Kellen Moore Award and was named the 2012 Big 12 Offensive Player of the Year. He was a finalist for the Maxwell Award, the Davey O'Brien Award, the Walter Camp Player of the Year Award and the Manning Award; and

WHEREAS, Collin Klein set many records. He holds the K-State single-season records for most rushing touchdowns and for most rushing yards by a quarterback; and

WHEREAS, Collin Klein piled up close to 3,400 yards and 37 touchdowns during the 2012 football season while leading the K-State Wildcats to an 11-victory season and the program's first Big 12 Championship since 2003. He was invited to New York City as one of three finalists for the Heisman Trophy, college football's most prestigious award. He later played in the 2013 East-West Shrine Game; and

WHEREAS, When Collin Klein graced the cover of Sports Illustrated, it was so difficult to find a copy in Kansas and Colorado that the magazine had to re-release it; and

WHEREAS, Collin Klein was named to the 2012 Allstate AFCA Good Works Team. Out of 117 nominees, Collin was one of 22 players honored. He is the second K-State football player to receive the award in its 21-year history. He also was a finalist for the Senior CLASS Award; and

WHEREAS, Collin Klein was named to the Good Works Team for his various activities in the Manhattan community, such as work with the Fellowship of Christian Athletes, a local reading program, a Christmas food program and the Special Olympics. For him, free time means community service. His selflessness, his faith, his leadership and his work ethic make him not only a special quarterback, but also a special community servant; and

WHEREAS, Collin Klein has various other talents beyond football. In high school he attended musical recitals, where he played the piano, violin and mandolin. He was a second team Academic All Big 12 member; and

WHEREAS, Collin Klein famously played through injuries and established himself as one of the toughest players in the nation. Collin had a unique way of viewing injuries as challenges. He fought through severely bruised ribs, a separated shoulder and a dinged-up ankle. His teammates long ago nicknamed him "Honey Badger" because, much like the animal that became famous in a YouTube video for picking a fight with a rattlesnake, Collin Klein never backed down; and

WHEREAS, Collin Klein has three main priorities: God, family and football: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Collin Klein for his numerous outstanding achievements both on and off the football field and thank him for his community service and for being a positive role model for young people across Kansas; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Hawk and Senator Love.

On emergency motion of Senator Hawk **SR 1750** was adopted unanimously.

Senator Love introduced Collin Klein and the Senators honored him with a standing ovation.

Senators Wolf and Francisco introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1748—

A RESOLUTION recognizing Mark and Louise Allen for their instrumental work in returning Dr. Naismith's original rules of basketball back to Kansas.

WHEREAS, Dr. James Naismith, inventor of the sport of basketball and a legendary member of the University of Kansas basketball community, wrote the original 13 rules

of basketball in 1891; and

WHEREAS, Those rules were written down by Dr. Naismith himself and have been preserved throughout the years in the ownership of the Naismith International Basketball Foundation. In 2010, those original documents became available for auction at Sotheby's, an auction house in New York; and

WHEREAS, These rules are a representation of the tradition-rich basketball community at the University of Kansas. Mark Allen, the grandson of former KU basketball coach Phog Allen, and his wife, Louise, thought the original rules deserved to be back where basketball began, the University of Kansas; and

WHEREAS, Mark and Louise Allen coordinated with David Booth to purchase these rules from Sotheby's at a price of \$4.3 million, setting a new record price for the purchase of sports memorabilia. Mark Allen did a lot of research to ensure the documents were authentic and to bring them back to Kansas; and

WHEREAS, The University of Kansas plans to build a new building near the famous Allen Fieldhouse to house Naismith's original rules of basketball. KU chancellor, Bernadette Gray-Little, expressed gratitude for the efforts of Allen and Booth. President of the KU Endowment, Dale Seuferling, said, "On behalf of all Jayhawk fans, we thank him for his generosity": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we sincerely thank Mark and Louise Allen for their work to bring this piece of history back to Kansas. The Naismith original rules of basketball will be on display for all Kansans to visit, and we thank Mark and Louise Allen for the efforts they made to make that a reality; and

Be it further resolved: That the Secretary of the Senate be directed to provide one enrolled copy of this resolution to Senator Wolf.

On emergency motion of Senator Wolf **SR 1748** was adopted unanimously.

Senator Wolf introduced Mark and Louise Allen and the Senators honored them with a standing ovation.

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

SENATE RESOLUTION No. 1749—

A RESOLUTION congratulating the Burlington High School women's basketball team on its class 3A state championship.

WHEREAS, The Burlington High School women's basketball team won the 2013 Kansas State High School Activities Association class 3A state championship held in Hutchinson with a victory over Garden Plain, 52-42. This season, the Burlington Lady Cats team was undefeated with a 26-0 record; and

WHEREAS, The Burlington Lady Cats women's basketball team coach, Doug Stewart, was named the 2013 class 3A Coach of the Year. Assistant coaches are David Gilman, Bart Kuhlmann and Erin McGown. Coaches Doug Stewart and David Gilman both had senior daughters on the team; and

WHEREAS, The members of the 2013 Burlington Lady Cats women's basketball team were Haley Gilman, Sarah Pearson, Breanna Bluma, Jacquelyn O'Connor, Madison Stewart, Sydney Ledom, Madison Stadel, Alexa Dorcas, Malorie Wagner, Bailee Norton, Shelbi Emling, Mckayla Cole and Summer Kirchner; and

WHEREAS, Madison Stewart was named to the all state 3A first team. Honorable mention all state selections included Haley Gilman, Breanna Bluma, Sarah Pearson and Jacquelyn O'Connor. Madison Stewart, Breanna Bluma, Sarah Pearson, Haley Gilman

and Jacquelyn O'Connor were named to the Tri-Valley girls all-league team: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Burlington High School women's basketball team on its state championship title. These young women have worked hard throughout the season, and this state title is a testament to that hard work; and

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

On emergency motion of Senator Knox **SR 1749** was adopted unanimously.

Team members were introduced and the Senators honored them with a standing ovation.

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

SENATE RESOLUTION No. 1751—

A RESOLUTION commemorating the 10th anniversary
of the Armenia-Kansas partnership.

WHEREAS, The National Guard's State Partnership Program has achieved outstanding success in establishing military-to-military relationships focused on security cooperation between the United States and partner countries; and

WHEREAS, Kansas is proud to commemorate the success over the past ten years of the bilateral partnership between Kansas and the Republic of Armenia through the State Partnership Program; and

WHEREAS, Kansas continues its deep commitment to supporting security cooperation activities and defense reform toward a more secure and prosperous future; and

WHEREAS, The Kansas National Guard recognizes the mutual benefit of the partnership, with over 300 military personnel and 70 civilians traveling between Kansas and Armenia since 2003, improving the mutual security and stability for both Armenia and the United States; and

WHEREAS, Kansas would like to recognize President Serzh Sargsyan and Defense Minister Seyran Ohanyan as examples of leaders of a nation known for its hospitality as well as their support for the vision to expand the Kansas-Armenia relationship to the broader mutual benefit of both nation and state; and

WHEREAS, Kansas is grateful and honors the service and sacrifice of Armenian soldiers and peacekeepers who continue to serve alongside United States and North Atlantic Treaty Organization forces in Kosovo, Iraq and Afghanistan; and

WHEREAS, Kansas remembers the victims of the Armenian Genocide each year on April 24th, which has been designated as Armenia Remembrance Day; and

WHEREAS, Kansas citizens of Armenian descent have employed wisdom, courage and centuries-old traditions to enrich the character of our state through their leadership in business, agriculture, academia, government and the arts; and

WHEREAS, Kansas commits to continuing the enduring special relationship with the Republic of Armenia and seeks opportunities for increased cooperation in the future; and

WHEREAS, Kansas honors the nation of Armenia and Armenians everywhere, and Kansas and the Armenian nation stand together, with an enduring partnership of peace,

prosperity and freedom: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate the 10th anniversary of the Armenia-Kansas partnership; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to the United States Speaker of the House of Representatives, the President of the United States Senate, the Secretary of State of the United States Department of State, the Kansas Congressional Delegation, John A. Heffern, the United States Ambassador to the Republic of Armenia, and Tatoul Markarian, Ambassador Extraordinary and Plenipotentiary of the Republic of Armenia to the United States of America.

On emergency motion of Senator Emler **SR 1751** was adopted unanimously.

POINT OF PERSONAL PRIVILEGE

Senator O'Donnell rose on a point of personal privilege to recognize students from the Sunrise Christian Academy, of which his mother, Peggy O'Donnell, who is Principal. Also introduced was Kyle Linsted.

The Senators honored the guests with a standing ovation.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Sub for HB 2183** 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.

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **Sub for HB 2183**, and requested a new conference be appointed.

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

MOTION TO RECONSIDER

Having voted on the prevailing side, Senator Apple moved the Senate reconsider its final action on **SB 181**. The motion carried.

Senator Hensley moved to reconsider previous final action on **SB 181** and place the bill back on general orders. Motion failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 181, AN ACT concerning personal property taxation; relating to motor vehicles; computation of amount of tax; state school district ad valorem tax levy; amending K.S.A. 79-5105 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 21; Nays 16; Present and Passing 3; Absent or Not Voting 0.

Yeas: Abrams, Arpke, Bruce, Donovan, Emler, Faust-Goudeau, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Tyson, Wagle.

Nays: Apple, Denning, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Lynn, McGinn, Pettey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Wolf.

Present and Passing: Bowers, Longbine, Love.

The bill passed.

On motion of Senator Bruce, the Senate recessed until 3:45 p.m.

The Senate met, pursuant to recess, with Senator King in the Chair.

CONSIDERATION OF APPOINTMENTS

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

Senator Bruce moved the following appointment be confirmed as recommended by the Committee on **Ways and Means**:

By the Governor

On the appointment to the:

Kansas Development Finance Authority:

James Cusser, Term ends January 15, 2017

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

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

The appointment was confirmed.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Masterson moved the Senate concur in House amendments to **SB 1**.

SB 1, AN ACT concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2012 Supp. 46-1106 and repealing the existing section.

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

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

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83** 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. 83**, as follows:

On page 20, following line 35, by inserting:

"New Sec. 8. (a) The following described property, to the extent herein specified, shall be exempt from all property taxes levied under the laws of Kansas:

Any new automobile manufacturing property.

(b) The provisions of subsection (a) shall apply from and after the later of the purchase or commencement of construction of such property and continue only for a period thereafter until 10 calendar years following the calendar year in which construction of such property is completed.

(c) The provisions of this section shall apply to all taxable years beginning after December 31, 2011.

(d) The owner of any new automobile manufacturing property shall pay in lieu of taxes in an amount mutually agreed to by the governing body of the appropriate taxing subdivisions and the owners as long as this exemption is in effect. The in lieu of taxes shall be paid at the same time taxes are required to be paid pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto. The county treasurer shall apportion such in lieu of tax payments among the taxing subdivisions of this state in the territory in which the facility is located. Any payment in lieu of taxes shall be divided by the county treasurer among such taxing subdivisions in the same proportion that the amount of the total mill levy of each individual taxing subdivision bears to the aggregate of such levies of all the taxing subdivisions among which the division is to be made. The county treasurer shall pay such amounts to the taxing subdivisions at the same time or times as their regular operating tax rate mill levy is paid to them. Based upon the assessed valuation which such facility would have if it were upon the tax rolls of the county, the county clerk shall compute the total of the property taxes which would be levied upon such facility by all taxing subdivisions within which the facility is located if such property were taxable.

(e) As used in this section:

(1) "Appropriate taxing subdivisions" means the county, city or unified government jurisdiction in which the new automobile property is located; and

(2) "new automobile manufacturing property" means any real property purchased or constructed after December 31, 2011, owned by a business with an NAICS code of 336111, provided such property:

(A) Includes a building or addition to a building constructed after December 31, 2011, having not less than 50,000 square feet of floorspace; and

(B) was purchased or constructed after December 31, 2011, for a total cost of not less than \$10,000,000 including the cost of both the land and buildings.

New Sec. 9. (a) On and after July 1, 2013, if any person sells or leases tangible personal property to the state, a state department, a state agency or an agent thereof, that person and any affiliated person shall, as a prerequisite for any such sale or lease, register with the department of revenue as a retailer and comply with all legal requirements imposed on a retailer, including the requirement to collect and remit sales or use tax on all taxable sales of tangible personal property to customers in this state.

(b) Any ruling, agreement or contract, whether written or oral, express or implied, between a retailer and this state's executive branch, or any other state agency or department, stating, agreeing or ruling that the retailer is not required to collect sales

and use tax in this state despite the presence of a warehouse, distribution center or fulfillment center in the state that is owned or operated by the retailer or an affiliated person of the retailer shall be null and void, unless it is specifically approved by a majority vote of each of the chambers of the Kansas legislature.

(c) As used in this section, "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code as the retailer or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code.

New Sec. 10. (a) On and after July 1, 2013, watercraft shall be appraised at fair market value determined therefor pursuant to K.S.A. 79-503a, and amendments thereto, and assessed at the percentage of value as follows: (1) 11.5% in tax year 2014; and (2) 5% in tax year 2015 and all tax years thereafter. In no case shall the assessed value of any watercraft, as determined under the provisions of this section, cause the tax upon such watercraft to be less than \$12.

(b) As used in this section, "watercraft" means any vessel requiring numbering pursuant to K.S.A. 32-1110, and amendments thereto. Each watercraft may include one trailer which is designed to launch, retrieve, transport and store such watercraft and any nonelectric motor or motors which are necessary to operate such watercraft on the water.

Sec. 11. On July 1, 2013, K.S.A. 2012 Supp. 74-2433f is hereby amended to read as follows: 74-2433f. (a) There shall be a division of the state court of tax appeals known as the small claims and expedited hearings division. Hearing officers appointed by the chief hearing officer shall have authority to hear and decide cases heard in the small claims and expedited hearings division.

(b) The small claims and expedited hearings division shall have jurisdiction over hearing and deciding applications for the refund of protested taxes under the provisions of K.S.A. 79-2005, and amendments thereto, and hearing and deciding appeals from decisions rendered pursuant to the provisions of K.S.A. 79-1448, and amendments thereto, and of article 16 of chapter 79 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or supplemental amendments~~ thereto, with regard to single-family residential property. The filing of an appeal with the small claims and expedited hearings division shall be a prerequisite for filing an appeal with the state court of tax appeals for appeals involving single-family residential property.

(c) At the election of the taxpayer, the small claims and expedited hearings division shall have jurisdiction over: (1) Any appeal of a decision, finding, order or ruling of the director of taxation, except an appeal, finding, order or ruling relating to an assessment issued pursuant to K.S.A. 79-5201 et seq., and amendments thereto, in which the amount of tax in controversy does not exceed \$15,000; (2) hearing and deciding applications for the refund of protested taxes under the provisions of K.S.A. 79-2005, and amendments thereto, where the value of the property, other than property devoted to agricultural use, is less than \$2,000,000 as reflected on the valuation notice; and (3) hearing and deciding appeals from decisions rendered pursuant to the provisions of K.S.A. 79-1448, and amendments thereto, and of article 16 of chapter 79 of the Kansas Statutes Annotated, and ~~acts amendatory thereof or supplemental amendments~~ thereto, other than those relating to land devoted to agricultural use, wherein the value of the

property is less than \$2,000,000 as reflected on the valuation notice.

(d) In accordance with the provisions of K.S.A. 74-2438, and amendments thereto, any party may elect to appeal any application or decision referenced in subsection (b) to the state court of tax appeals. Except as provided in subsection (b) regarding single-family residential property, the filing of an appeal with the small claims and expedited hearings division shall not be a prerequisite for filing an appeal with the state court of tax appeals under this section. Final decisions of the small claims and expedited hearings division may be appealed to the state court of tax appeals. An appeal of a decision of the small claims and expedited hearings division to the state court of tax appeals shall be *de novo*.

(e) A taxpayer shall commence a proceeding in the small claims and expedited hearings division by filing a notice of appeal in the form prescribed by the rules of the state court of tax appeals which shall state the nature of the taxpayer's claim. Notice of appeal shall be provided to the appropriate unit of government named in the notice of appeal by the taxpayer. In any valuation appeal or tax protest commenced pursuant to articles 14 and 20 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, the hearing shall be conducted in the county where the property is located or a county adjacent thereto. In any appeal from a final determination by the secretary of revenue, the hearing shall be conducted in the county in which the taxpayer resides or a county adjacent thereto.

(f) The hearing in the small claims and expedited hearings division shall be informal. The hearing officer may hear any testimony and receive any evidence the hearing officer deems necessary or desirable for a just determination of the case. A hearing officer shall have the authority to administer oaths in all matters before the hearing officer. All testimony shall be given under oath. A party may appear personally or may be represented by an attorney, a certified public accountant, a certified general appraiser, a tax representative or agent, a member of the taxpayer's immediate family or an authorized employee of the taxpayer. A county or unified government may be represented by the county appraiser, designee of the county appraiser, county attorney or counselor or other representatives so designated. No transcript of the proceedings shall be kept.

(g) The hearing in the small claims and expedited hearings division shall be conducted within 60 days after the appeal is filed in the small claims and expedited hearings division unless such time period is waived by the taxpayer. A decision shall be rendered by the hearing officer within 30 days after the hearing is concluded and, in cases arising from appeals described by subsections (b) and (c)(2) and (3), shall be accompanied by a written explanation of the reasoning upon which such decision is based. Documents provided by a taxpayer or county or district appraiser shall be returned to the taxpayer or the county or district appraiser by the hearing officer and shall not become a part of the court's permanent records. Documents provided to the hearing officer shall be confidential and may not be disclosed, except as otherwise specifically provided.

(h) With regard to any matter properly submitted to the division relating to the determination of valuation of property for taxation purposes, it shall be the duty of the county appraiser to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity and correctness of such determination. No presumption shall exist in favor of the county appraiser with respect to the validity and

correctness of such determination. With regard to leased commercial and industrial property, the presumption of validity and correctness of such determination shall exist in favor of the county appraiser unless the taxpayer has furnished the county or district appraiser, within 30 calendar days following the informal meeting required by K.S.A. 79-1448, and amendments thereto, or within 30 calendar days following the informal meeting required by K.S.A. 79-2005, and amendments thereto, a complete income and expense statement for the property for the three years next preceding the year of appeal.

Sec. 12. On July 1, 2013, K.S.A. 2012 Supp. 79-306e is hereby amended to read as follows: 79-306e. (a) The value for property tax purposes of any ~~vessel watercraft~~, as defined by ~~K.S.A. 32-1102 section 10~~, and amendments thereto, which is acquired or sold after January 1 and prior to September 1 of any taxable year shall be equal to the value determined therefor pursuant to ~~K.S.A. 79-503a section 10~~, and amendments thereto, multiplied by: (1) In the case of a sale, a fraction the numerator of which is the number of months, or major portion thereof, such ~~vessel watercraft~~ was owned by the record owner thereof during the taxable year in which such ~~vessel watercraft~~ was sold, and the denominator of which is 12; and (2) in the case of an acquisition, a fraction the numerator of which is the number of months, or major portion thereof, remaining in the taxable year after the date of acquisition by the record owner thereof, and the denominator of which is 12.

(b) On or after July 1, 2007, notice of the acquisition or sale of any such ~~vessel watercraft~~ shall be provided by the record owner thereof to the appropriate county appraiser on or before December 20 of the year of such acquisition or sale. Upon receipt of such notice, and after computation of the value of any such ~~vessel watercraft~~ in accordance with the provision of subsection (a), a notification or revised notification of value shall be mailed to the taxpayer.

(c) ~~Vessels-Watercraft~~ acquired after September 1 of a taxable year shall not be subject to assessment and taxation for such year, except as provided by paragraph (1) of subsection (a).

(d) The provisions of this section shall apply to all taxable years commencing after December 31, ~~2002~~ 2013.

Sec. 13. On July 1, 2013, K.S.A. 2012 Supp. 79-1448 is hereby amended to read as follows: 79-1448. Any taxpayer may complain or appeal to the county appraiser from the classification or appraisal of the taxpayer's property by giving notice to the county appraiser within 30 days subsequent to the date of mailing of the valuation notice required by K.S.A. 79-1460, and amendments thereto, for real property, and on or before May 15 for personal property. The county appraiser or the appraiser's designee shall arrange to hold an informal meeting with the aggrieved taxpayer with reference to the property in question. At such meeting it shall be the duty of the county appraiser or the county appraiser's designee to initiate production of evidence to substantiate the valuation of such property, including the affording to the taxpayer of the opportunity to review the data sheet of comparable sales utilized in the determination of such valuation. In any appeal from the appraisal of leased commercial and industrial property, the county or district appraiser's appraised value shall be presumed to be valid and correct and may only be rebutted by a preponderance of the evidence, unless the property owner furnishes the county or district appraiser a complete income and expense statement for the property for the three years next preceding the year of appeal within 30 calendar days following the informal meeting. The county appraiser may

extend the time in which the taxpayer may informally appeal from the classification or appraisal of the taxpayer's property for just and adequate reasons. Except as provided in K.S.A. 79-1404, and amendments thereto, no informal meeting regarding real property shall be scheduled to take place after May 15, nor shall a final determination be given by the appraiser after May 20. Any final determination shall be accompanied by a written explanation of the reasoning upon which such determination is based when such determination is not in favor of the taxpayer. Any taxpayer who is aggrieved by the final determination of the county appraiser may appeal to the hearing officer or panel appointed pursuant to K.S.A. 79-1611, and amendments thereto, and such hearing officer, or panel, for just cause shown and recorded, is authorized to change the classification or valuation of specific tracts or individual items of real or personal property in the same manner provided for in K.S.A. 79-1606, and amendments thereto. In lieu of appealing to a hearing officer or panel appointed pursuant to K.S.A. 79-1611, and amendments thereto, any taxpayer aggrieved by the final determination of the county appraiser, except with regard to land devoted to agricultural use, wherein the value of the property, is less than \$2,000,000, as reflected on the valuation notice, or the property constitutes single family residential property, may appeal to the small claims and expedited hearings division of the state court of tax appeals within the time period prescribed by K.S.A. 79-1606, and amendments thereto. Any taxpayer who is aggrieved by the final determination of a hearing officer or panel may appeal to the state court of tax appeals as provided in K.S.A. 79-1609, and amendments thereto. An informal meeting with the county appraiser or the appraiser's designee shall be a condition precedent to an appeal to the county or district hearing panel.

Sec. 14. On July 1, 2013, K.S.A. 2012 Supp. 79-1609 is hereby amended to read as follows: 79-1609. Any person aggrieved by any order of the hearing officer or panel may appeal to the state court of tax appeals by filing a written notice of appeal, on forms approved by the state court of tax appeals and provided by the county clerk for such purpose, stating the grounds thereof and a description of any comparable property or properties and the appraisal thereof upon which they rely as evidence of inequality of the appraisal of their property, if that be a ground of the appeal, with the state court of tax appeals and by filing a copy thereof with the county clerk within 30 days after the date of the order from which the appeal is taken. A county or district appraiser may appeal to the state court of tax appeals from any order of the hearing officer or panel. With regard to any matter properly submitted to the court relating to the determination of valuation of residential property or real property used for commercial and industrial purposes for taxation purposes, it shall be the duty of the county appraiser to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity and correctness of such determination ~~except that no such duty shall accrue with regard to leased commercial and industrial property unless the property owner has furnished to the county or district appraiser a complete income and expense statement for the property for the three years next preceding the year of appeal. No presumption shall exist in favor of the county appraiser with respect to the validity and correctness of such determination.~~ With regard to leased commercial and industrial property, the presumption of validity and correctness of such determination shall exist in favor of the county or district appraiser unless, within 30 calendar days following the informal meeting required by K.S.A. 79-1448, and amendments thereto, the taxpayer furnished to the county or district appraiser complete income and expense statements for the

property for the three years next preceding the year of appeal.

Sec. 15. On July 1, 2013, K.S.A. 2012 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 miscalculation on the part of the county,~~ the correction of the clerical errors listed in subsection (a), (c), (f) or (g) of K.S.A. 79-1701, and amendments thereto, and 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. 16. On July 1, 2013, K.S.A. 2012 Supp. 79-1702 is hereby amended to read as follows: 79-1702. If any taxpayer, municipality or taxing district shall have a grievance described under the provisions of K.S.A. 79-1701 or 79-1701a, and amendments thereto, which is not remediable thereunder solely because not reported within the time prescribed therein, or which was remediable thereunder and reported to the proper official or officials within the time prescribed but which has not been remedied by such official or officials, such grievance may be presented to the state court of tax appeals and if it shall be satisfied from competent evidence produced that there is a real grievance, it may direct that the same be remedied either by canceling the tax, if uncollected, together with all penalties charged thereon, or if the tax has been paid, by ordering a refund of the amount found to have been unlawfully charged and collected and interest at the rate prescribed by K.S.A. 79-2968, and amendments thereto, minus two percentage points.

In all cases where the identical property owned by any taxpayer has been assessed for the current tax year in more than one county in the state, the court is hereby given

authority to determine which county is entitled to the assessment of the property and to charge legal taxes thereon, and if the taxes have been paid in a county not entitled thereto, the court is hereby empowered to direct the authorities of the county which has so unlawfully collected the taxes to refund the same to the taxpayer with all penalties charged thereon.

No tax grievance shall be considered by the state court of tax appeals unless the same is filed within four years from the date the tax would have become a lien on real estate.

In all cases where an error results in an understatement of values or taxes as a result of ~~a mathematical miscalculation on the part of a county~~ the correction of the clerical errors listed in subsection (a), (c), (f) or (g) of K.S.A. 79-1701, and amendments thereto, the state court of tax appeals, if it shall be satisfied from competent evidence produced that there is an understatement as a result of a clerical error, may order an additional assessment or tax bill, or both, to be issued so that the proper value of the property in question is reflected, except that, in no such case shall the taxpayer be assessed interest or penalties on any tax which may be assessed. No increase shall be ordered to correct such error that extends back more than two years from the date of the most recent tax year. 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.

Errors committed in the valuation and assessment process that are not specifically described in K.S.A. 79-1701, and amendments thereto, shall be remediable only under the provisions of K.S.A. 79-2005, and amendments thereto.

Sec. 17. On July 1, 2013, K.S.A. 2012 Supp. 79-2005 is hereby amended to read as follows: 79-2005. (a) Any taxpayer, before protesting the payment of such taxpayer's taxes, shall be required, either at the time of paying such taxes, or, if the whole or part of the taxes are paid prior to December 20, no later than December 20, or, with respect to taxes paid in whole or in part in an amount equal to at least $\frac{1}{2}$ of such taxes on or before December 20 by an escrow or tax service agent, no later than January 31 of the next year, to file a written statement with the county treasurer, on forms approved by the state court of tax appeals and provided by the county treasurer, clearly stating the grounds on which the whole or any part of such taxes are protested and citing any law, statute or facts on which such taxpayer relies in protesting the whole or any part of such taxes. When the grounds of such protest is an assessment of taxes made pursuant to K.S.A. 79-332a and 79-1427a, and amendments thereto, the county treasurer may not distribute the taxes paid under protest until such time as the appeal is final. When the grounds of such protest is that the valuation or assessment of the property upon which the taxes are levied is illegal or void, the county treasurer shall forward a copy of the written statement of protest to the county appraiser who shall within 15 days of the receipt thereof, schedule an informal meeting with the taxpayer or such taxpayer's agent or attorney with reference to the property in question. The county appraiser shall review the appraisal of the taxpayer's property with the taxpayer or such taxpayer's agent or attorney and may change the valuation of the taxpayer's property, if in the county appraiser's opinion a change in the valuation of the taxpayer's property is required to assure that the taxpayer's property is valued according to law, and shall, within 15 business days thereof, notify the taxpayer in the event the valuation of the taxpayer's property is changed, in writing of the results of the meeting. In the event the valuation of the taxpayer's property is changed and such change requires a refund of taxes and

interest thereon, the county treasurer shall process the refund in the manner provided by subsection (l).

(b) No protest appealing the valuation or assessment of property shall be filed pertaining to any year's valuation or assessment when an appeal of such valuation or assessment was commenced pursuant to K.S.A. 79-1448, and amendments thereto, nor shall the second half payment of taxes be protested when the first half payment of taxes has been protested. Notwithstanding the foregoing, this provision shall not prevent any subsequent owner from protesting taxes levied for the year in which such property was acquired, nor shall it prevent any taxpayer from protesting taxes when the valuation or assessment of such taxpayer's property has been changed pursuant to an order of the director of property valuation.

(c) A protest shall not be necessary to protect the right to a refund of taxes in the event a refund is required because the final resolution of an appeal commenced pursuant to K.S.A. 79-1448, and amendments thereto, occurs after the final date prescribed for the protest of taxes.

(d) If the grounds of such protest shall be that the valuation or assessment of the property upon which the taxes so protested are levied is illegal or void, such statement shall further state the exact amount of valuation or assessment which the taxpayer admits to be valid and the exact portion of such taxes which is being protested.

(e) If the grounds of such protest shall be that any tax levy, or any part thereof, is illegal, such statement shall further state the exact portion of such tax which is being protested.

(f) Upon the filing of a written statement of protest, the grounds of which shall be that any tax levied, or any part thereof, is illegal, the county treasurer shall mail a copy of such written statement of protest to the state court of tax appeals and the governing body of the taxing district making the levy being protested.

(g) Within 30 days after notification of the results of the informal meeting with the county appraiser pursuant to subsection (a), the protesting taxpayer may, if aggrieved by the results of the informal meeting with the county appraiser, appeal such results to the state court of tax appeals.

(h) After examination of the copy of the written statement of protest and a copy of the written notification of the results of the informal meeting with the county appraiser in cases where the grounds of such protest is that the valuation or assessment of the property upon which the taxes are levied is illegal or void, the court shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act, unless waived by the interested parties in writing. If the grounds of such protest is that the valuation or assessment of the property is illegal or void the court shall notify the county appraiser thereof.

(i) In the event of a hearing, the same shall be originally set not later than 90 days after the filing of the copy of the written statement of protest and a copy, when applicable, of the written notification of the results of the informal meeting with the county appraiser with the court. With regard to any matter properly submitted to the court relating to the determination of valuation of residential property or real property used for commercial and industrial purposes for taxation purposes, it shall be the duty of the county appraiser to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity and correctness of such determination except that no such duty shall accrue to the county or district appraiser with regard to

leased commercial and industrial property unless the property owner has furnished to the county or district appraiser a complete income and expense statement for the property for the three years next preceding the year of appeal. No presumption shall exist in favor of the county appraiser with respect to the validity and correctness of such determination. In all instances where the court sets a request for hearing and requires the representation of the county by its attorney or counselor at such hearing, the county shall be represented by its county attorney or counselor.

(j) When a determination is made as to the merits of the tax protest, the court shall render and serve its order thereon. The county treasurer shall notify all affected taxing districts of the amount by which tax revenues will be reduced as a result of a refund.

(k) If a protesting taxpayer fails to file a copy of the written statement of protest and a copy, when applicable, of the written notification of the results of the informal meeting with the county appraiser with the court within the time limit prescribed, such protest shall become null and void and of no effect whatsoever.

(l) (1) In the event the court orders that a refund be made pursuant to this section or the provisions of K.S.A. 79-1609, and amendments thereto, or a court of competent jurisdiction orders that a refund be made, and no appeal is taken from such order, or in the event a change in valuation which results in a refund pursuant to subsection (a), the county treasurer shall, as soon thereafter as reasonably practicable, refund to the taxpayer such protested taxes and, with respect to protests or appeals commenced after the effective date of this act, interest computed at the rate prescribed by K.S.A. 79-2968, and amendments thereto, minus two percentage points, per annum from the date of payment of such taxes from tax moneys collected but not distributed. Upon making such refund, the county treasurer shall charge the fund or funds having received such protested taxes, except that, with respect to that portion of any such refund attributable to interest the county treasurer shall charge the county general fund. In the event that the state court of tax appeals or a court of competent jurisdiction finds that any time delay in making its decision is unreasonable and is attributable to the taxpayer, it may order that no interest or only a portion thereof be added to such refund of taxes.

(2) No interest shall be allowed pursuant to paragraph (1) in any case where the tax paid under protest was inclusive of delinquent taxes.

(m) Whenever, by reason of the refund of taxes previously received or the reduction of taxes levied but not received as a result of decreases in assessed valuation, it will be impossible to pay for imperative functions for the current budget year, the governing body of the taxing district affected may issue no-fund warrants in the amount necessary. Such warrants shall conform to the requirements prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by such section and may be issued without the approval of the state court of tax appeals. The governing body of such taxing district shall make a tax levy at the time fixed for the certification of tax levies to the county clerk next following the issuance of such warrants sufficient to pay such warrants and the interest thereon. All such tax levies shall be in addition to all other levies authorized by law.

(n) Whenever a taxpayer appeals to the court of tax appeals pursuant to the provisions of K.S.A. 79-1609, and amendments thereto, or pays taxes under protest related to one property whereby the assessed valuation of such property exceeds 5% of the total county assessed valuation of all property located within such county and the taxpayer receives a refund of such taxes paid under protest or a refund made pursuant to

the provisions of K.S.A. 79-1609, and amendments thereto, the county treasurer or the governing body of any taxing subdivision within a county may request the pooled money investment board to make a loan to such county or taxing subdivision as provided in this section. The pooled money investment board is authorized and directed to loan to such county or taxing subdivision sufficient funds to enable the county or taxing subdivision to refund such taxes to the taxpayer. 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. Each loan shall bear interest at a rate equal to the net earnings rate of the pooled money investment portfolio at the time of the making of such loan. The total aggregate amount of loans under this program shall not exceed \$50,000,000 of unencumbered funds pursuant to article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto. 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 of the pooled money investment board by the county treasurer or governing body of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the county treasurer or governing body from the state bank account or accounts prescribed in this subsection to the county treasurer who shall deposit such amount in the county treasury. Any such loan authorized pursuant to this subsection shall be repaid within four years. The county or taxing subdivision shall make not more than four equal annual tax levies at the time fixed for the certification of tax levies to the county clerk following the making of such loan sufficient to pay such loan within the time period required under such loan. All such tax levies shall be in addition to all other levies authorized by law.

(o) The county treasurer shall disburse to the proper funds all portions of taxes paid under protest and shall maintain a record of all portions of such taxes which are so protested and shall notify the governing body of the taxing district levying such taxes thereof and the director of accounts and reports if any tax protested was levied by the state.

(p) This statute shall not apply to the valuation and assessment of property assessed by the director of property valuation and it shall not be necessary for any owner of state assessed property, who has an appeal pending before the state court of tax appeals, to protest the payment of taxes under this statute solely for the purpose of protecting the right to a refund of taxes paid under protest should that owner be successful in that appeal.

Sec. 18. On July 1, 2013, K.S.A. 2012 Supp. 79-3702 is hereby amended to read as follows: 79-3702. For the purposes of this act: (a) "Purchase price" means the consideration paid or given or contracted to be paid or given by any person to the seller of an article of tangible personal property for the article purchased. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the actual cost of transportation from the place where the article was purchased to the person using the same in this state. If a cash discount is allowed and taken on the sale it shall be deducted in arriving at the purchase price.

(b) The meaning ascribed to words and phrases in K.S.A. 79-3602, and amendments thereto, insofar as is practicable, shall be applicable herein unless otherwise provided. The provisions of K.S.A. 79-3601 to 79-3625, inclusive, 79-3650,

K.S.A. 2012 Supp. 79-3693 and 79-3694, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes imposed under the provisions of this act.

(c) "Use" means the exercise within this state by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of the property in the regular course of business, and except storage as hereinafter defined.

(d) "Storage" means any keeping or retaining in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

(e) "Storage" and "use" do not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into this state for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

(f) "Property used in processing" means: (1) Any tangible personal property which, when used in fabrication, compounding, manufacturing or germination, becomes an integral part of the new article resulting from such fabrication, compounding, manufacturing, or germination, and intended to be sold ultimately at retail; and (2) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current.

(g) "Retailer" means every person engaged in the business of selling tangible personal property for use within the meaning of this act, except that, when in the opinion of the director it is necessary for the efficient administration of this act to regard any salesperson, representatives, truckers, peddlers or canvassers as the agents of the dealers, distributors, supervisors, employers or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the director may so regard them and may regard the dealers, distributors, supervisors, employers, or persons as retailers for the purposes of this act.

(h) (1) "Retailer doing business in this state" or any like term, means: (A) Any retailer ~~having or~~ maintaining in this state, permanently, temporarily, directly or indirectly through a subsidiary, agent or representative, an office, distribution house, sales house, warehouse or other place of business;

(B) any retailer ~~having~~ utilizing an employee, independent contractor, agent, representative, salesperson, canvasser ~~or~~, solicitor or other person operating in this state either permanently or temporarily, ~~under the authority of the retailer or its subsidiary,~~ for the purpose of selling, delivering, installing, assembling, servicing, repairing, soliciting sales or the taking of orders for tangible personal property;

(C) any retailer, including a contractor, repair person or other service provider, who enters this state to perform services that are enumerated in K.S.A. 79-3603, and amendments thereto, and who is required to secure a retailer's sales tax registration certificate before performing those services;

(D) any retailer deriving rental receipts from a lease of tangible personal property situated in this state;

(E) ~~any person having a franchisee or licensee operating under its trade name if the franchisee or the licensee is required to collect the tax under the Kansas retailers' sales tax act;~~

~~(F)~~—any person regularly maintaining a stock of tangible personal property in this state for sale in the normal course of business; and

~~(G)(F)~~ any retailer who has any other contact with this state that would allow this state to require the retailer to collect and remit tax under the provisions of the constitution and laws of the United States.

(2) A retailer shall be presumed to be doing business in this state if any of the following occur:

(A) ~~Both of the following conditions exist:~~

(i) The retailer holds a substantial ownership interest in, or is owned in whole substantial part by, a retailer maintaining a sales location in Kansas; and

(ii) the retailer sells the same or a substantially similar line of products as the related Kansas retailer and does so under the same or a substantially similar business name, or the Kansas facilities or Kansas employees of the related Kansas retailer are used to advertise, promote or facilitate sales by the retailer to consumers.

(B) The retailer holds a substantial ownership interest in, or is owned in whole or in substantial part by, a business that maintains a distribution house, sales house, warehouse or similar place of business in Kansas that delivers property sold by the retailer to consumers.

(C) For purposes of paragraphs (A) and (B):

(i) "Substantial ownership interest" means an interest in an entity that is not less than the degree of ownership of equity interest in an entity that is specified by Section 78p of Title 15 of the United States Code, or any successor to that statute, with respect to a person other than a director or officer; and

~~(ii) "ownership" means and includes both direct ownership, and indirect ownership through a parent, subsidiary or affiliate. Any person, other than a common carrier acting in its capacity as such, that has nexus with the state sufficient to require such person to collect and remit taxes under the provisions of the constitution and laws of the United States if such person were making taxable retail sales of tangible personal property or services in this state:~~

(i) Sells the same or a substantially similar line of products as the retailer and does so under the same or a substantially similar business name;

(ii) maintains a distribution house, sales house, warehouse or similar place of business in Kansas that delivers or facilitates the sale or delivery of property sold by the retailer to consumers;

(iii) uses trademarks, service marks, or trade names in the state that are the same or substantially similar to those used by the retailer;

(iv) delivers, installs, assembles or performs maintenance services for the retailer's customers within the state;

(v) facilitates the retailer's delivery of property to customers in the state by allowing the retailer's customers to pick up property sold by the retailer at an office, distribution facility, warehouse, storage place or similar place of business maintained by the person in the state;

(vi) has a franchisee or licensee operating under its trade name if the franchisee or the licensee is required to collect the tax under the Kansas retailers' sales tax act; or

(vii) conducts any other activities in the state that are significantly associated with the retailer's ability to establish and maintain a market in the state for the retailer's sales.

(B) Any affiliated person conducting activities in this state described in subparagraph (A) or (C) has nexus with this state sufficient to require such person to collect and remit taxes under the provisions of the constitution and laws of the United States if such person were making taxable retail sales of tangible personal property or services in this state.

(C) The retailer enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers, whether by a link or an internet website, by telemarketing, by an in-person oral presentation, or otherwise, to the retailer, if the cumulative gross receipts from sales by the retailer to customers in the state who are referred to the retailer by all residents with this type of an agreement with the retailer is in excess of \$10,000 during the preceding 12 months. This presumption may be rebutted by submitting proof that the residents with whom the retailer has an agreement did not engage in any activity within the state that was significantly associated with the retailer's ability to establish or maintain the retailer's market in the state during the preceding 12 months. Such proof may consist of sworn written statements from all of the residents with whom the retailer has an agreement stating that they did not engage in any solicitation in the state on behalf of the retailer during the preceding year, provided that such statements were provided and obtained in good faith. This subparagraph shall take effect 90 days after the enactment of this statute and shall apply to sales made and uses occurring on or after the effective date of this subparagraph and without regard to the date the retailer and the resident entered into the agreement described in this subparagraph. The term "preceding 12 months" as used in this subparagraph includes the 12 months commencing prior to the effective date of this subparagraph.

(D) The presumptions in subparagraphs (A) and (B) may be rebutted by demonstrating that the activities of the person or affiliated person in the state are not significantly associated with the retailer's ability to establish or maintain a market in this state for the retailer's sales.

(3) The processing of orders electronically, by fax, telephone, the internet or other electronic ordering process, does not relieve a retailer of responsibility for collection of the tax from the purchaser if the retailer is doing business in this state pursuant to this section.

(i) "Director" means the director of taxation.

(j) As used in this section, "affiliated person" means any person that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code as the retailer or any other entity that, notwithstanding its form of organization, bears the same ownership relationship to the retailer as a corporation that is a member of the same "controlled group of corporations" as defined in section 1563(a) of the federal internal revenue code."

And by renumbering sections accordingly;

Also on page 20, in line 39, after "Supp." by inserting "74-2433f"; also in line 39, by striking "is" and inserting ", 79-306e, 79-1448, 79-1609, 79-1701a, 79-1702, 79-2005 and 79-3702 are";

On page 1, in the title, in line 3, after "sales" by inserting "and use"; also in line 3, after the second "tax" by inserting ", nexus"; also in line 3, before "amending" by

inserting "property tax, exemptions, watercraft, appraisals, payment of refund of taxes;"; also in line 3, after "Supp." by inserting "74-2433f."; in line 4, after "5162," by inserting "79-306e, 79-1448, 79-1609, 79-1701a, 79-1702, 79-2005,."; also in line 4, after "79-3620" by inserting ", 79-3702";

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

RICHARD CARLSON
SCOTT SCHWAB
TOM SAWYER

Conferees on part of House

LES DONOVAN
CARYN TYSON
TOM HOLLAND

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **H Sub for SB 83**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 2; Absent or Not Voting 0.

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

Nays: Pilcher-Cook, Pyle.

Present and Passing: Francisco, Love.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2009** 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 14, before "during" by inserting "in going to or returning from an appointment with a health care provider or"; by striking all in line 19;

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

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

RICHARD PROEHL
RON RYCKMAN, SR.
EMILY PERRY

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2009**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2024** submits the following report:

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

On page 7, in line 37, by striking "\$1,000" and inserting "\$2,000";

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

JULIA LYNN
SUSAN WAGLE
TOM HOLLAND

Conferees on part of Senate

MARVIN KLEEB
GENE SUELLENTROP
STAN FROWNFELTER

Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **Sub HB 2024**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 1; Absent or Not Voting 0.

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

Nays: Knox, Pilcher-Cook, Pyle, Tyson.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2033** 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 19, by striking "38-3202" and inserting "38-2302"; in line 20, by striking "38-3202" and inserting "38-2302"; in line 25, by striking "or" and inserting a comma; in line 30, before the semicolon by inserting "or throwing star";

On page 5, in line 39, by striking "or" and inserting a comma;
 On page 6, in line 1, before the semicolon by inserting "or throwing star";
 And your committee on conference recommends the adoption of this report.

RALPH OSTMEYER
 JAY EMLER
 TOM HAWK

Conferees on part of Senate

ARLEN SIEGFRIED
 STEVEN BRUNK
 LOUIS RUIZ

Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **HB 2033**.

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

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

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2043** 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. 2043, as follows:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 2012 Supp. 21-6617 is hereby amended to read as follows: 21-6617. (a) If a defendant is charged with capital murder, the county or district attorney shall file written notice if such attorney intends, upon conviction of the defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced to death. In cases where the county or district attorney or a court determines that a conflict exists, such notice may be filed by the attorney general. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than seven days after the time of arraignment. If such notice is not filed and served as required by this subsection, the ~~county or district~~ prosecuting attorney may not request such a sentencing proceeding and the defendant, if convicted of capital murder, shall be sentenced to life without the possibility of parole, and no sentence of death shall be imposed hereunder.

(b) Except as provided in K.S.A. 2012 Supp. 21-6618 and 21-6622, and amendments thereto, upon conviction of a defendant of capital murder, the court, upon motion of the ~~county or district~~ prosecuting attorney, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to death.

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

(c) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in K.S.A. 2012 Supp. 21-6624, and amendments thereto, and any mitigating circumstances. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the state has made known to the defendant prior to the sentencing proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the sentencing proceeding shall be admissible against the defendant at any subsequent criminal proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

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

(e) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in K.S.A. 2012 Supp. 21-6624, and amendments thereto, exist and, further, that the existence of such aggravating circumstances is not outweighed by any mitigating circumstances which are found to exist, the defendant shall be sentenced to death; otherwise, the defendant shall be sentenced to life without the possibility of parole. The jury, if its verdict is a unanimous recommendation of a sentence of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict, the judge shall dismiss the jury and impose a sentence of life without the possibility of parole and shall commit the defendant to the custody of the secretary of corrections. In nonjury cases, the court shall follow the requirements of this subsection in determining the sentence to be imposed.

(f) Notwithstanding the verdict of the jury, the trial court shall review any jury verdict imposing a sentence of death hereunder to ascertain whether the imposition of such sentence is supported by the evidence. If the court determines that the imposition of such a sentence is not supported by the evidence, the court shall modify the sentence and sentence the defendant to life without the possibility of parole, and no sentence of death shall be imposed hereunder. Whenever the court enters a judgment modifying the

sentencing verdict of the jury, the court shall set forth its reasons for so doing in a written memorandum which shall become part of the record.

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

And by redesignating sections accordingly;

Also on page 1, in line 22, following "Supp." by inserting "21-6617 and"; also in line 22, by striking "is" and inserting "are";

Also on page 1, in the title, in line 2, following "authority;" by inserting "relating to notice of intent to seek the death penalty;"; also in line 2, following "Supp." by inserting "21-6617 and"; in line 3, by striking "section" and inserting "sections";

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

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

GAIL FINNEY

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **S Sub for HB 2043**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 2; Absent or Not Voting 0.

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

Present and Passing: Kelly, V. Schmidt.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2339** 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 5, following line 14, by inserting:

"New Sec. 2. (a) (1) Except as provided in paragraph (2), whenever a state agency or municipality provides for the payment of premiums for any health benefit plan for law enforcement officers employed by such state agency or such municipality, the state agency or municipality shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of a law enforcement officer who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) Neither the state agency nor the municipality may be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased law enforcement officer;

(B) upon the remarriage of the deceased law enforcement officer's surviving spouse; or

(C) upon the deceased law enforcement officer's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Health benefit plan" shall have the meaning ascribed to such term in K.S.A. 40-4602, and amendments thereto.

(2) "Law enforcement officer" means an employee employed by a law enforcement agency and:

(A) Whose principal duties are engagement in the enforcement of law and maintenance of order within this state and its political subdivisions; and

(B) who is certified pursuant to the provisions of the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

(3) "Municipality" means city, county or township.

(4) "State agency" shall have the meaning ascribed to such term in K.S.A. 75-3701, and amendments thereto.

Sec. 3. K.S.A. 2012 Supp. 40-1709 is hereby amended to read as follows: 40-1709.

(a) (1) Except as provided in ~~paragraphs (2) and (3)~~ paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its firefighters, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of a firefighter who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased firefighter;

(B) upon the remarriage of the deceased firefighter's surviving spouse; or

(C) upon the deceased firefighter's surviving spouse reaching the age of 65.

~~(3) An individual is not a dependent child of a deceased firefighter for the purposes of paragraph (1) after such individual reaches the age of 18 years unless such individual is a:~~

~~(A) Full-time student in an accredited high school; or~~

~~(B) full-time student in a postsecondary educational institution, except that this~~

~~subparagraph shall not apply to such an individual after the close of the calendar year in which the individual reaches the age of 24 as long as such individual continues to maintain such status as a full-time student.~~

(b) For the purposes of this section:

(1) "Firefighter" means an actual member of an organized fire department, of a municipality, whether regular or volunteer.

(2) "Health benefit plan" shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means city, county or township.

(4) "Postsecondary educational institution" shall have the meaning ascribed to it in K.S.A. 74-3201b, and amendments thereto.

Sec. 4. K.S.A. 2012 Supp. 40-4903 is hereby amended to read as follows: 40-4903.

(a) Unless denied licensure pursuant to K.S.A. 2012 Supp. 40-4909, and amendments thereto, any person who meets the requirements of K.S.A. 2012 Supp. 40-4905, and amendments thereto, shall be issued an insurance agent license. An insurance agent may receive qualifications for a license in one or more of the following lines of authority:

(1) Life — insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(2) Accident and health or sickness — insurance coverage for sickness, bodily injury or accidental death and may include benefits for disability income.

(3) Property — insurance coverage for the direct or consequential loss or damage to property of every kind.

(4) Casualty — insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property.

(5) Variable life and variable annuity products — insurance coverage provided under variable life insurance contracts, variable annuities or any other life insurance or annuity product that reflects the investment experience of a separate account.

(6) Personal lines — property and casualty insurance coverage sold primarily to an individual or family for noncommercial purposes.

(7) Credit — limited line credit insurance.

(8) Crop insurance — limited line insurance for damage to crops from unfavorable weather conditions, fire, lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or any other peril subsidized by the federal crop insurance corporation, including multi-peril crop insurance.

(9) Title insurance — limited line insurance that insures titles to property against loss by reason of defective titles or encumbrances.

(10) Travel insurance — limited line insurance for personal risks incidental to planned travel, including, but not limited to:

(A) Interruption or cancellation of trip or event;

(B) loss of baggage or personal effects;

(C) damages to accommodations or rental vehicles; or

(D) sickness, accident, disability or death occurring during travel. Travel insurance does not include major medical plans, which provide comprehensive medical protection for travelers with trips lasting six months or longer, for example, persons working overseas including military personnel deployed overseas.

(11) Pre-need funeral insurance — limited line insurance that allows for the

purchase of a life insurance or annuity contract by or on behalf of the insured solely to fund a pre-need contract or arrangement with a funeral home for specific services.

(12) Bail bond insurance — limited line insurance that provides surety for a monetary guarantee that an individual released from jail will be present in court at an appointed time.

~~(8)~~ (13) Any other line of insurance permitted under the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations promulgated thereunder.

(b) Unless suspended, revoked or refused renewal pursuant to K.S.A. 2012 Supp. 40-4909, and amendments thereto, an insurance agent license shall remain in effect as long as education requirements for resident individual agents are met by such insurance agent's biennial due date.

(c) On and after the effective date of this act: (1) Each licensed insurance agent who is an individual and holds a property or casualty qualification, or both, or a personal lines qualification shall biennially obtain a minimum of 12 C.E.C.'s in courses certified as property and casualty which shall include at least one hour of instruction in insurance ethics which also may include regulatory compliance. No more than three of the required C.E.C.'s shall be in insurance agency management.

(2) Each licensed insurance agent who is an individual and holds a life, accident and health, or variable contracts qualification, or any combination thereof, shall biennially complete 12 C.E.C.'s in courses certified as life, accident and health, or variable contracts which shall include at least one hour of instruction in insurance ethics which also may include regulatory compliance. No more than three of the required C.E.C.'s shall be in insurance agency management.

(3) Each licensed insurance agent who is an individual and holds only a crop ~~only~~ qualification shall biennially obtain a minimum of two C.E.C.'s in courses certified as crop C.E.C.s under the property and casualty category.

(4) Each licensed insurance agent who is an individual and is licensed only for title insurance shall biennially obtain a minimum of four C.E.C.'s in courses certified by the board of abstract examiners as title under the property and casualty category.

(5) Each licensed insurance agent who is an individual and holds a life insurance license solely for the purpose of selling ~~life pre-need funeral~~ insurance or annuity products used to fund a prearranged funeral program and whose report of compliance required by subsection (g) is accompanied by a certification from an officer of each insurance company represented by such agent certifying that such agent transacted ~~no other insurance business during the period covered by the report shall biennially obtain a minimum of two C.E.C.'s in courses certified as life or variable contracts under the life, accident and health or variable contracts category shall file a report on or before such agent's biennial due date affirming that such agent transacted no other insurance business during the period covered by the report. Upon request of the commissioner, an agent shall provide certification from an officer of each insurance company which has appointed such agent that the agent transacted no other insurance business during the period covered by the report. Agents who have offered to sell or sold only pre-need funeral insurance are exempt from the requirement to obtain C.E.C.s.~~

(6) Each licensed insurance agent who is an individual and holds only a bail bond qualification is exempt from the requirement to obtain C.E.C.s.

(d) On and after the effective date of this act, each individual insurance agent who

holds a license with both a property or casualty qualification, or both, and a life, accident and health or variable contracts qualification, or any combination thereof, and who ~~can~~ earn C.E.C.'s from courses certified by the commissioner as qualifying for credit in any class, may apply, at such insurance agent's option, such C.E.C.'s toward either the property or casualty continuing education requirement or to the life, accident and health or variable contracts continuing education requirement. However, no C.E.C. shall be applied to satisfy both the biennial property or casualty requirement, or both, and the biennial requirement for life, accident and health or variable contracts, or any combination thereof.

(e) An instructor of an approved subject shall be entitled to the same C.E.C. as a student completing the study.

(f) (1) An individual insurance agent who has been licensed for more than one year, on or before such insurance agent's biennial due date, shall file a report with the commissioner certifying that such insurance agent has met the continuing education requirements for the previous biennium ending on such insurance agent's biennial due date. Each individual insurance agent shall maintain a record of all courses attended together with a certificate of attendance for the remainder of the biennium in which the courses were attended and the entire next succeeding biennium.

(2) If the required report showing proof of continuing education completion is not received by the commissioner by the individual insurance agent's biennial due date, such individual insurance agent's qualification and each and every corresponding license shall be suspended automatically for a period of 90 calendar days or until such time as the producer satisfactorily demonstrates completion of the continuing education requirement whichever is sooner. In addition the commissioner shall assess a penalty of \$100 for each license suspended. If such insurance agent fails to furnish to the commissioner the required proof of continuing education completion and the monetary penalty within 90 calendar days of such insurance agent's biennial due date, such individual insurance agent's qualification and each and every corresponding license shall expire on such insurance agent's biennial due date. If after more than three but less than 12 months from the date the license expired, the insurance agent wants to reinstate such insurance agent's license, such individual shall provide the required proof of continuing education completion and pay a reinstatement fee in the amount of \$100 for each license suspended. If after more than 12 months from the date an insurance agent's license has expired, such insurance agent wants to reinstate such insurance agent's license, such individual shall apply for an insurance agent's license, provide the required proof of continuing education completion and pay a reinstatement fee in the amount of \$100 for each license suspended. Upon receipt of a written application from such insurance agent claiming extreme hardship, the commissioner may waive any penalty imposed under this subsection.

(3) On and after the effective date of this act, any applicant for an individual insurance agent's license who previously held a license which expires on or after June 30, 2001, because of failure to meet continuing education requirements and who seeks to be relicensed shall provide evidence that appropriate C.E.C.'s have been completed for the prior biennium.

(4) Upon receipt of a written application from an individual insurance agent, the commissioner, in cases involving medical hardship or military service, may extend the time within which to fulfill the minimum continuing educational requirements for a

period of not to exceed 180 days.

(5) This section shall not apply to any inactive insurance agent during the period of such inactivity. For the purposes of this paragraph, "inactive period" or "period of inactivity" shall mean a continuous period of time of not less than two years and not more than four years starting from the date inactive status is granted by the commissioner. Before returning to active status, such inactive insurance agent shall:

(A) File a report with the commissioner certifying that such agent has met the continuing education requirement; and

(B) pay the renewal fee. If the required proof of continuing education completion and the renewal fee is not furnished at the end of the inactive period, such individual insurance agent's qualification and each and every corresponding license shall expire at the end of the period of inactivity. For issuance of a new license, the individual shall apply for a license and pass the required examination.

(6) Any individual who allows such individual's insurance agent license in this state and all other states in which such individual is licensed as an insurance agent to expire for a period of four or more consecutive years, shall apply for a new insurance agent license and pass the required examination.

(g) (1) Each course, program of study, or subject shall be submitted to and certified by the commissioner in order to qualify for purposes of continuing education.

(2) Each request for certification of any course, program of study or subject shall contain the following information:

- (A) The name of provider or provider organization;
- (B) the title of such course, program of study or subject;
- (C) the date the course, program of study or subject will be offered;
- (D) the location where the course, program of study or subject will be offered;
- (E) an outline of each course, program of study or subject including a schedule of times when such material will be presented;
- (F) the names and qualifications of instructors;
- (G) the number of C.E.C.'s requested; ~~and~~
- (H) a nonrefundable C.E.C. qualification fee in the amount of \$50 per course, program of study or subject or \$250 per year for all courses, programs of study or subjects submitted by a specific provider or provider organization; and
- (I) a nonrefundable annual provider fee of \$100.

(3) Upon receipt of such information, the commissioner shall grant or deny certification of any submitted course, program of study or subject as an approved subject, program of study or course and indicate the number of C.E.C.'s that will be recognized for each approved course, program of study or subject. Each approved course, program of study or subject shall be assigned by the commissioner to one or both of the following classes:

- (A) Property and casualty; or
- (B) life insurance ~~(including annuity and variable contracts)~~, and accident and health insurance.

(4) Each course, program of study or subject shall have a value of at least one C.E.C.

(5) Each provider seeking approval of a course, program of study or subject for continuing education credit shall issue or cause to be issued to each person who attends a course, program of study or subject offered by such provider a certificate of

attendance. The certificate shall be signed by either the instructor who presents the course, program of study or course or such provider's authorized representative. Each provider shall maintain a list of all individuals who attend courses offered by such provider for continuing education credit for the remainder of the biennium in which the courses are offered and the entire next succeeding biennium.

The commissioner shall accept, without substantive review, any course, program of study or subject submitted by a provider which has been approved by the insurance supervisory authority of any other state or territory accredited by the NAIC. The commissioner may disapprove any individual instructor or provider who has been the subject of disciplinary proceedings or who has otherwise failed to comply with any other state's or territory's laws or regulations.

(6) The commissioner may grant or approve any specific course, program of study or course that has appropriate merit, such as any course, programs of study or course with broad national or regional recognition, without receiving any request for certification. The fee prescribed by paragraph (2) of subsection (g) shall not apply to any approval granted pursuant to this provision.

(7) The C.E.C. value assigned to any course, program of study or subject, other than a correspondence course, computer based training, interactive internet study training or other course pursued by independent study, shall in no way be contingent upon passage or satisfactory completion of any examination given in connection with such course, program of study or subject. The commissioner shall establish, by rules and regulations criteria for determining acceptability of any method used for verification of the completion of each stage of any computer based or interactive internet study training. Completion of any computer based training or interactive internet study training shall be verified in accordance with a method approved by the commissioner.

(h) Upon request, the commissioner shall provide a list of all approved continuing education courses currently available to the public.

(i) An individual insurance agent who independently studies an insurance course, program of study or subject which is not ~~a~~ an agent's examination approved by the commissioner and who passes an independently monitored examination, shall receive credit for the C.E.C.'s assigned by the commissioner as recognition for the approved subject. No other credit shall be given for independent study.

(j) Any licensed individual insurance agent who is unable to comply with license renewal procedures due to military service or some other extenuating circumstances may request a waiver of those procedures from the commissioner. Such agent may also request from the commissioner a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.";

And by renumbering sections accordingly;

Also on page 5, in line 15, by striking "is" and inserting ", 40-1709 and 40-4903 are";

On page 1, in the title, in line 3, by striking "life"; in line 4, after the semicolon by inserting "pertaining to continuation of health insurance for spouse and dependent children of firefighters and law enforcement officers; relating to line of insurance and reporting requirements;"; in line 5, after "40-401" by inserting ", 40-1709 and 40-4903"; also in line 5, by striking "section" and inserting "sections";

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

ROB OLSON
JEFF LONGBINE
TOM HAWK

Conferees on part of Senate

CLARK SHULTZ
PHIL HERMANSON
GAIL FINNEY

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2339**.

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

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

The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House nonconcurrs in Senate amendments to **HB 2069**, requests a conference and has appointed Representative Kleeb, Suellentrop and Frownfelter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **S Sub for HB 2199**, requests a conference and has appointed Representatives Siegfried, Brunk and Ruiz as conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 199**, and has appointed Representatives Crum, Weber and Ward as Second conferees on the part of the House.

The House adopts the Conference committee report to agree to disagree on **Sub HB 2105**, and has appointed Representatives Kleeb, Suellentrop and Frownfelter as Second conferees on the part of the House.

CHANGE OF REFERENCE

Under the authority of the President, Vice President King withdrew **HB 2312** from the Committee of the Whole and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

The Vice President also withdrew **HB 2099** from the Committee of the Whole, and rereferred the bill to the Committee on **Financial Institutions and Insurance**.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Thursday, April 4, 2013.

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 4, 2013, 10:00 a.m.

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

Dear Lord, on this date in 1887 Susanna Medora Salter was elected 1st US woman mayor of Argonia, Kansas. Also on this date in 1818 the Congress decided the form and shape of the American Flag. We do not know what amazing thing might happen today that will be reported hundreds of years from now, but let us never lose sight that what we do here may well have an effect on the days and years to come. It is much too easy to live in the “now” without a sense of the “tomorrow.” Help us O Lord to keep one eye focused on our current situation, and one eye always looking forward. In your holy name, Amen

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Love, Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1753—

A RESOLUTION congratulating and commending Washburn alumni
Michael Wilhoite and Cary Williams for competing in the 2013 Super Bowl,
and the leadership of Washburn Head Football Coach Craig Schurig.

WHEREAS, Michael Wilhoite, of Topeka, Kansas, where he attended Highland Park High School, earned All-MIAA honors as a senior linebacker at Washburn University after recording 81 tackles in one season. He finished his Washburn career with over 200 total tackles, which ranked him high in the Washburn record book. He finished his career at Washburn with 109 solo stops. Following his Washburn career, Michael signed with the Omaha Nighthawks, a professional team in the UFL (United Football League). Through his talent, character and work ethic, he was then signed by the San Francisco 49ers and was eventually selected to be a team captain; and

WHEREAS, Cary Williams came to Washburn University (WU) in 2006. He was named to the AP Little All-American Team as well as the Daktronics All-American team his senior season. Williams was named unanimous first team All-MIAA at defensive back after recording seven INTs. He also ranked fifth in NCAA Division II in

interceptions per game as a senior. His seven INTs are the second most in WU single-season history. He returned two kickoffs for TDs which tied a WU single-season record and is a WU career record as well. His 100-yard kickoff return is tied for the longest return in school history. He finished his career with 94 tackles including 67 solo stops with 11 interceptions. He was then drafted by the Tennessee Titans, before he was eventually signed by the Baltimore Ravens where he has recorded close to 200 tackles and 4 interceptions; and

WHEREAS, It is very rare for two individuals who were teammates at a Kansas Division II school to be signed to an NFL team. Both of these young men had the goal of playing in the NFL, and both of them achieved this goal. Further, it is even more unheard of for two Division II teammates to play against each other in a Super Bowl. This occurred on February 3, 2013, when the San Francisco 49ers played against the Baltimore Ravens in the Super Bowl; and

WHEREAS, Much of the success of the Washburn University football program can be attributed to the leadership of Head Coach Craig Schurig. In ten seasons as the Ichabods' head coach, Craig Schurig has built one of the most respected programs in the MIAA with three NCAA playoff appearances and the 2005 MIAA title coming on the heels of 2007, 2009 and 2011 runner-up finishes in the conference race. He has completed a 72-44 record at Washburn. He is the all-time winningest coach at Washburn, with 9 consecutive winning seasons (after Washburn had only one winning season in the 15 seasons before he arrived). He has coached 171 MIAA Academic Honor Roll members, 133 All-MIAA players, 18 All-Americans, 5 NFL players, 3 Academic All-Americans and 2 NFL draft picks: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Washburn Alum and Baltimore Ravens cornerback Cary Williams, Washburn Alum and San Francisco 49ers linebacker Michael Wilhoite and Washburn Head Coach Craig Schurig for their success and representation of Washburn and our state on a national level, and wish them much more success in future endeavors. We also thank them for serving as role models to our Kansas youth; and

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

On emergency motion of Senator Love **SR 1753** was adopted unanimously.

The Senators honored those present with a standing ovation.

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

SENATE RESOLUTION No. 1752—

A RESOLUTION congratulating the Ottawa High School men's basketball team on its class 4A state championship.

WHEREAS, The Ottawa High School men's basketball team won the class 4A state basketball championship against Highland Park High School; and

WHEREAS, The game took place at the Bicentennial Center in Salina. Ottawa won the game 54-45; and

WHEREAS, The Ottawa High School men's basketball team went undefeated this season with a record of 25-0. This is the first state championship for the high school in 41 years; and

WHEREAS, The seniors on the team began their playing careers with undefeated seasons as both 7th and 8th graders at Ottawa Middle School; and

WHEREAS, The Ottawa High School men's basketball team is also academically successful. They have an overall GPA of 3.62 and an average ACT score of 22; and

WHEREAS, Head Coach, Jon McKowen, and Assistant Coaches, Evan Shaffer and Blake Lasley, worked diligently with the team throughout the season to improve their skills and lead them to the state championship game; and

WHEREAS, The members of the 2013 Ottawa High School men's basketball team were Semi Ojeleye, Kaden Shaffer, Wyatt Peters, Dillon Boeh, Jordan Markley, Austin Blaue, Alex Hasty, Dallas Natt, Taylor Graf, Tyler Smith, Rob Hedrick, Ian Mathews and Quentin Blaue. Semi Ojeleye currently holds the Kansas state scoring record at 2,763 points. The team managers were Alexis Dunnivan, Steph Brands, Erika Doty and Nate Rodriguez: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the 2013 Ottawa High School men's basketball team on its class 4A state championship. These young men have worked very hard throughout the season, and this state championship is a testament to that hard work; and

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

On emergency motion of Senator Tyson **SR 1752** was adopted unanimously.

Team members were introduced and the Senators honored them with a standing ovation.

ORIGINAL MOTION

On motion of Senator Lynn, the Senate acceded to the request of the House for a conference on **HB 2069**.

The Vice President appointed Senators Lynn, Wagle and Holland as conferees on the part of the Senate.

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **S Sub for HB 2199**.

The Vice President appointed Senators Ostmeyer, Emler and Faust-Goudeau as conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 199** 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.

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **SB 199**, and requested a new conference be appointed.

The Vice President appointed Senators Pilcher-Cook, Bowers and Kelly as a second Conference Committee on the part of the Senate on **SB 199**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2253** 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.

Having voted on the prevailing side on the adoption of the conference committee report, Senator Pilcher-Cook moved the Senate reconsider its action on **HB 2253**. The motion carried and the Senate returned to discussion of the conference committee report.

On motion of Senator Pilcher-Cook the Senate adopted the conference committee report on **HB 2253**, and requested a new conference be appointed.

The Vice President appointed Senators Pilcher-Cook, Bowers and Francisco as a second Conference Committee on the part of the Senate on **HB 2253**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2249** 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.

On motion of Senator Pyle the Senate adopted the conference committee report on **HB 2249**, and requested a new conference be appointed.

The Vice President appointed Senators Pyle, Holmes and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2249**.

REPORT ON ENGROSSED BILLS

SB 231 reported correctly engrossed April 3, 2013.

REPORT ON ENROLLED BILLS

SR 1746, SR 1747, SR 1748, SR 1749, SR 1750, SR 1751 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 4, 2013.

SCR 1606 reported correctly enrolled, properly signed and presented to the Secretary of State on April 4, 2013.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

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

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a point of personal privilege: Two score and five years this very evening, a single rifle shot emanated from a depraved and racist would-be assassin. Now the bullet struck and took the mortal life of Martin Luther King, Jr. as he stood with several of his associates on a balcony at the Lorraine Hotel in Memphis, Tennessee. My dad was a member of the Kansas Senate that fateful day. He had been a classmate of Dr. King's just twenty years before at Morehouse College in Atlanta, Georgia and had just hosted an event with him in Kansas City a few months before. As a boy of nine or so, it frightened me to see the shock and to hear the quivering fear in my mother's voice as she stood at the kitchen phone talking to dad there in that house in

Kansas City. What of it...momma...why are you upset...what does it mean...he isn't a relative...or even a friend...why...tell me, please, why are you so sad? My mother couldn't explain the incredible loss that she and countless millions of people were feeling at that moment. Even today, at this hour forty-five years later, living in America that has made great strides to move ever closer to the realism of his dream...I still, now as a grown man, can feel the echo...the sting...the immeasurable loss of that day. But thank God, Madam President, Thank God. The dream didn't die with the dreamer. The movement for civil rights and for personal dignity to be heir every American regardless of social or economic station...regardless of race, or of religion or of class or of gender...the dream has made great strides in forty-five years, and a martyr at only 39, Dr. King's legacy has lived longer than he did and it holds significant truths...evident at so many levels. In this forty-fifth anniversary year, for example, America has grown tolerant enough, big enough, mature enough to elect to high office persons on the basis of the content of their character and on their ability and not on their gender or on their age or on their race. Every year that I've been in this Legislature, I have commemorated the greatness of Dr. King and of his message; now enshrined in a great monument bearing his likeness and much of his insightful eloquence by the Reflecting Pool on the Mall in Washington, D.C. A message that human rights and equality are the birthright of every human being...a message which he, and so many others have lived, fought, died and continue to work towards...around the world. In closing, Madam President, Dr. King's remembrance from the moment that we heard that the fatal shot had been fired until this very moment should be an inspiration to us all to participate in the equality that comes of justice and the commitment to uplift all humanity through understanding and that our differences are not as diverse as our similarities. — DAVID HALEY

Senator Faust-Goudeau requests the record to show she joins with Senator Haley on his point of personal privilege.

MESSAGES FROM THE GOVERNOR

SB 28, SB 51, SB 52, SB 59, SB 85, SB 216 approved on April 4, 2013.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1754—

A RESOLUTION congratulating the McPherson High School women's volleyball team on its class 4A state championship.

WHEREAS, The McPherson High School women's volleyball team won the class 4A state championship; and

WHEREAS, The Lady Bulldogs beat the Topeka Hayden High School women's volleyball team for McPherson High School's first ever state volleyball championship; and

WHEREAS, This year's McPherson High School women's volleyball team had a record of 42-5, which is the second best volleyball record in school history. The state title was won with game scores of 22-25, 25-22 and 25-23 in a very eventful and close match against Topeka Hayden High School on October 27, 2012; and

WHEREAS, The team's coach, Christy Doile, along with assistant coaches Diane Marshall, Molly Pannbacker and Cheryl Malm, worked with the team all year

improving the skills of the team and preparing them for the state championship game. Coach Christy Doile was named 2012 4A Coach of the Year; and

WHEREAS, The members of the championship team were Katelyn Loecker, Briana Pontious, Tashley Snyder, Janae Barnes, Alisa Becker, Abby Pedersen, Paige Regnier, Moira Pyle, Taylor Metz, Rhianna Smith, Hannah Marshall, Katlyn Reifschneider, Magan Alexander and Megan Pederesen. The team managers were Doralynn Mellinger, Hayden Wash, Ryon Shaw, Katelyn Pennington and Taylor Radke, and the student trainer was Jacob Brossard; and

WHEREAS, The Class 4A State All Tournament team includes seniors Katelyn Loecker and Briana Pontious and junior Paige Regnier. Katelyn Loecker and Paige Regnier were also named to the Class 4A All-State First Team, and Briana Pontious was selected to the Class 4A All-State Second Team: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the McPherson High School women's volleyball team on its class 4A state championship. These young women have exhibited dedication and a great work ethic, and we wish them further success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide 27 enrolled copies of this resolution to Senator Emler.

On emergency motion of Senator Emler **SR 1754** was adopted unanimously.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 122** 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.

On motion of Senator King the Senate adopted the conference committee report on **SB 122**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a second Conference Committee on the part of the Senate on **SB 122**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 187** 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.

On motion of Senator Lynn the Senate adopted the conference committee report on **SB 187**, and requested a new conference be appointed.

The President appointed Senators Lynn, Wagle and Holland as a second Conference Committee on the part of the Senate on **SB 187**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2234** 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.

On motion of Senator Masterson the Senate adopted the conference committee report on **HB 2234**, and requested a new conference be appointed.

The President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **HB 2234**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 23** 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.

On motion of Senator Abrams the Senate adopted the conference committee report on **SB 23**, and requested a new conference be appointed.

The President appointed Senators Abrams, Arpke and Hensley as a second Conference Committee on the part of the Senate on **SB 23**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 102** 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.

On motion of Senator Ostmeyer the Senate adopted the conference committee report on **SB 102**, and requested a new conference be appointed.

The President appointed Senators Ostmeyer, Emler and Faust-Goudeau as a second Conference Committee on the part of the Senate on **SB 102**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 124** 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.

On motion of Senator King the Senate adopted the conference committee report on **SB 124**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as a second Conference Committee on the part of the Senate on **SB 124**.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **S Sub for HB 2167**.

The House adopts the Conference Committee report to agree to disagree on **Sub HB**

2183, and has appointed Representatives Crum, Weber and Ward as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2201**, and has appointed Representatives Seiwert, Garber and Kuether as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 122**, and has appointed Representatives Kinzer, Bruchman and Pauls as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 187**, and has appointed Representatives Kleeb, Suellentrop and Frownfelter as Second conferees on the part of the House.

The House adopts the Conference Committee report on **Sub SB 57**.

The House adopts the Conference Committee report on **SB 96**.

The House adopts the Conference Committee report on **SB 168**.

The House adopts the Conference Committee report on **Sub HB 2024**.

The House concurs in Senate amendments to **HB 2139**, and requests return of the bill.

The House concurs in Senate amendments to **S Sub for HB 2150**, and requests return of the bill.

The House adopts the Conference Committee report to agree to disagree on **HB 2249**, and has appointed Representatives Huebert, Phillips and Alcalá as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2253**, and has appointed Representatives Siegfried, Brunk and Ruiz as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 23**, and has appointed Representatives Cassidy, Grosserode and Winn as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 102**, and has appointed Representatives Siegfried, Brunk and Ruiz as Second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **SB 124**, and has appointed Representatives Kinzer, Bruchman and Pauls as Second conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2009**.

The House adopts the Conference Committee report on **HB 2033**.

The House adopts the Conference Committee report on **Sub Bill for HB 2043**.

The House adopts the Conference Committee report on **SB 164**.

The House announced the appointment of Representative Menghini as a conferee on **HB 2059**, to replace Rep. Sawyer.

The House announced the appointment of Representative Menghini as a conferee on **HB 2060**, to replace Rep. Sawyer.

The House announced the appointment of Representative Menghini as a conferee on **H Sub for SB 84**, to replace Representative Sawyer.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2249** 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.

On motion of Senator Pyle the Senate adopted the conference committee report on **HB 2249**, and requested a new conference be appointed.

The Vice President appointed Senators Pyle, Holmes and Faust-Goudeau as a second Conference Committee on the part of the Senate on **HB 2249**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2078** 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 11, after "thereto" by inserting ", except for licensing boards under K.S.A. 65-1116 and 65-6129, and amendments thereto"; in line 16, by striking "complete" and inserting "a completed"; in line 31, by striking "a"; also in line 31, by striking "person";

On page 2, in line 26, by striking "complete" and inserting "completed";

On page 3, in line 22, after the period by creating a paragraph;

On page 5, in line 13, by striking "under honorable conditions"; in line 14, by striking "(general) discharge" and inserting "with a general discharge under honorable conditions";

On page 7, in line 7, by striking "under honorable"; in line 8, by striking "conditions (general) discharge"; in line 9, after the stricken material, by inserting "with a general discharge under honorable conditions";

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

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

MARIO GOICO

JOE SEIWERT

MELANIE MEIER

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **HB 2078**.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2109** submits the following report:

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

On page 1, by striking all in lines 5 through 31;

On page 2, by striking all in lines 1 through 7; and inserting the following:

"Section 1. (a) Any school district that provides public access to a computer shall implement and enforce technology protection measures to ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene. Each board of education shall adopt policies for the enforcement of this subsection. Such policies and any standards or rules promulgated pursuant to such policies shall be made available to the public.

(b) (1) Any public library that provides public access to a computer shall implement and enforce technology protection measures to:

(A) Ensure that no minor has access to visual depictions that are child pornography, harmful to minors or obscene; and

(B) ensure that no person has access to visual depictions that are child pornography or obscene.

(2) An employee of a public library may disable a technology protection measure if:

(A) Requested to do so by a library patron who is not a minor; and

(B) the technology protection measure is disabled only to enable access for legitimate research or other lawful purpose.

(c) The state librarian shall establish standards and promulgate rules and regulations for the enforcement of the provisions of subsection (b). Such standards and rules and regulations shall be distributed to the public libraries in this state, posted in a conspicuous place in such public libraries and made available to the public.

(d) The governing body of each public library shall adopt a policy to implement and enforce the provisions of subsection (b) in accordance with the standards and rules and regulations described in subsection (c). Such policy shall be reviewed at least once every three years by such governing body and shall:

(1) State that the purpose of the policy is to restrict access to those materials that are child pornography, harmful to minors or obscene;

(2) provide how such public library will meet the requirements of this section;

(3) require such public library to inform its patrons of the standards and rules and regulations that library employees follow to enforce the provisions of this section; and

(4) require such public library to inform its patrons that procedures for the submission of complaints about the standards and rules and regulations, the enforcement thereof, or observed patron behavior, have been adopted and are available for review.

(e) Any school district or public library that is in compliance with the provisions of

this section shall not be liable for any damages arising out of or related to a minor gaining access to visual depictions that are child pornography, harmful to minors or obscene through the use of a computer that is owned or controlled by such school district or public library.

(f) As used in this section:

(1) "Board of education" means the board of education of any school district;

(2) "child pornography" means a visual depiction of a minor 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) "harmful to minors" shall have the same meaning as that term is defined in K.S.A. 2012 Supp. 21-6402, and amendments thereto;

(4) "minor" means any person under 18 years of age;

(5) "obscene" shall have the same meaning as that term is defined in K.S.A. 2012 Supp. 21-6401, and amendments thereto;

(6) "public library" means any library established pursuant to article 12 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and any other library which serves the general public and is funded in whole or in part from moneys derived from tax levies;

(7) "school district" means any public school district organized under the laws of this state;

(8) "technology protection measure" means any computer technology or other process that blocks or filters online access to visual depictions; and

(9) "visual depiction" shall have the same meaning as that term is defined in K.S.A. 2012 Supp. 21-5510, and amendments thereto.

(g) This act shall be known and may be cited as the Kansas children's internet protection act.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "ACT"; in line 2, by striking all before the period and inserting "creating the Kansas children's internet protection act";

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

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

Conferees on part of Senate

WARD CASSIDY

AMANDA GROSSERODE

VALDENIA WINN

Conferees on part of House

Senator Abrams moved the Senate adopt the Conference Committee Report on **HB 2109**.

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

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2261** 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 6, by inserting:

"New Section 1. (a) In order to educate students about the sacrifices made for freedom in the founding of this country and the values on which this country was founded, the week of September containing the 17th day of such month in each year thereafter is hereby designated as "celebrate freedom week" in each public school offering any of the grades kindergarten through eight.

(b) The state board of education, in cooperation with such other state agencies or private entities who voluntarily participate, shall promote "celebrate freedom week" through a coordinated program.

(c) For purposes of this section, Sunday is deemed to be the first day of the week.

New Sec. 2. On or before December 31, 2013, the state board of education shall adopt rules and regulations requiring appropriate instruction be provided as part of the curriculum for grades kindergarten through eight on history and government concerning the original intent, meaning and importance of the declaration of independence and the United States constitution, including the bill of rights of the United States constitution, in their historical contexts. The religious references in the writings of the founding fathers shall not be censored when presented as part of such instruction. Such rules and regulations shall provide that the study of the declaration of independence include the study of the relationship of the ideas expressed in that document to subsequent American history, including the relationship of such ideas to the rich diversity of our people as a nation of immigrants, the American revolution, the formulation of the United States constitution and the abolitionist movement, which led to the emancipation proclamation and the women's suffrage movement. Such instruction shall be taught during "celebrate freedom week," established under section 1, and amendments thereto, or during such other full school week as determined by the board of education of the school district.":

On page 9, in line 32, by striking "June" and inserting "July"; in line 34, by striking "June 30" and inserting "July 15";

On page 11, following line 9, by inserting:

"Sec. 15. K.S.A. 2012 Supp. 72-8256 is hereby amended to read as follows: 72-8256. (a) As used in this section:

(1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal, electronic or physical act or threat either by any student, staff member or parent towards a student or by any student, staff member or parent towards a staff member that is sufficiently severe, persistent or pervasive that ~~it~~ such gesture, act or threat creates an intimidating, threatening or abusive educational environment ~~for a student or staff member~~ that a reasonable person, under the circumstances, knows or should know will

have the effect of:

(i) Harming a student or staff member, whether physically or mentally;
 (ii) damaging a student's or staff member's property;
 (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or

(iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property;

(B) cyberbullying; or

(C) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto.

(2) "Cyberbullying" means bullying by use of any electronic communication device through means including, but not limited to, e-mail, instant messaging, text messages, blogs, mobile phones, pagers, online games and websites.

(3) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(4) "School district" or "district" means any unified school district organized and operating under the laws of this state.

~~(3)-(5)~~ (5) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.

(6) "Staff member" means any person employed by a school district.

(b) The board of education of each school district shall adopt a policy to prohibit bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on or while utilizing school property, in a school vehicle or at a school-sponsored activity or event.

(c) The board of education of each school district shall adopt and implement a plan to address bullying either by any student, staff member or parent towards a student or by a student, staff member or parent towards a staff member on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students.

(d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

(e) Nothing in this section shall be construed to limit or supersede or in any manner affect or diminish the requirements of compliance by a staff member with the provisions of K.S.A. 2012 Supp. 38-2223 or 38-2226, and amendments thereto.;

And by renumbering sections accordingly;

On page 12, in line 10, after "72-8250," by inserting "72-8256,";

On page 1, in the title, in line 1, by striking "school finance" and inserting "the financing thereof; relating to the policies thereof; establishing celebrate freedom week and related curriculum"; in line 3, after "72-8250," by inserting "72-8256,";

And your committee on conference recommends the adoption of this report.

STEVE ABRAMS

TOM ARPKE

ANTHONY HENSLEY

Conferees on part of Senate

KASHA KELLEY

WARD CASSIDY

ED TRIMMER

Conferees on part of House

Senator Abrams moved the Senate adopt the Conference Committee Report on **HB 2261**.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle.

Nays: Knox, Tyson, Wolf.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2303** 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 35, after the period by inserting:

"(1) ";

Also on page 5, in line 39, after the period by inserting:

"(2) On and after July 1, 2013, through June 30, 2017,";

Also on page 5, in line 43, by striking "25.5%" and inserting "26%";

On page 6, in line 2, by striking "10.2%" and inserting "12%"; in line 4, by striking "10.2%" and inserting "12%"; in line 5, by striking "17.3%" and inserting "17%"; in line 7, by striking "36.7%" and inserting "33%"; following line 12, by inserting:

"(3) On and after July 1, 2017, all reinstatement fees collected pursuant to this section shall be remitted to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount in the state treasury and credit 35% to the community alcoholism and intoxication programs fund created pursuant to K.S.A. 41-1126, and amendments thereto, 20% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, 20% to the forensic laboratory and materials fee fund created by K.S.A. 28-176, and amendments thereto, and 25% to the driving under the influence fund created by K.S.A. 75-5660, and amendments thereto. Moneys credited to the forensic laboratory and materials fee fund as provided herein shall be used to supplement existing appropriations and shall not be used to supplant general fund appropriations to the Kansas bureau of investigation.";

On page 10, in line 2, by striking "department of social and"; in line 3, by striking "rehabilitation" and inserting "Kansas department for aging and disability"; in line 4, by striking "department of social and rehabilitation" and inserting "Kansas department for aging and disability"; in line 5, by striking "of social and rehabilitation" and inserting

"for aging and disability"; in line 18, by striking "Topeka state hospital,"; in line 34, by striking "of social and rehabilitation" and inserting "for aging and disability";

On page 1, in the title, in line 1, by striking all after "concerning"; in line 2, after "fees;" by inserting "relating to"; in line 5, after the second "fund;" by inserting "interest thereon;"

And your committee on conference recommends the adoption of this report.

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

VIRGIL PECK, JR.
BRET HILDABRAND
ROBERT GRANT

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2303**.

On roll call, the vote was: Yeas 34; Nays 6; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Tyson, Wagle, Wolf.

Nays: Arpke, Faust-Goudeau, Haley, Lynn, Pyle, Smith.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2319** 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 5, after "education" by inserting ", the open meetings act as provided in K.S.A. 75-4317 et seq., and amendments thereto, and the open records act as provided in K.S.A. 45-215 et seq., and amendments thereto";

And your committee on conference recommends the adoption of this report.

STEVE ABRAMS
TOM ARPKE
ANTHONY HENSLEY

Conferees on part of Senate

KASHA KELLEY
WARD CASSIDY
ED TRIMMER

Conferees on part of House

Senator Abrams moved the Senate adopt the Conference Committee Report on **HB 2319**.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Pettey, V. Schmidt, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2107** 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 5, in line 28, after "applicant" by inserting ", policy holder"; in line 33, by striking "shall" and inserting "may";

On page 6, in line 23, by striking "shall" and inserting "may"; by striking all in lines 28 through 30 and inserting the following:

"Sec. 6. K.S.A. 2012 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 ~~\$3,000,000~~ \$4,000,000 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. 7. K.S.A. 40-12a08 is hereby amended to read as follows: 40-12a08. No insured shall be liable for any amounts other than the annual premium. The business of the company shall be conducted so as to preclude any distribution of income, profit or property of the company to the individual members thereof except in payment of dividends, debts, claims or indemnities or upon the final dissolution of the company. Dividends may be credited to a member's account and distributed in accordance with a plan adopted by the board of directors.

Sec. 8. K.S.A. 39-719e is hereby amended to read as follows: 39-719e. (a) Upon the request of the secretary ~~of social and rehabilitation services for aging and disability services or the Kansas department of health and environment, or both,~~ each medical benefit plan provider that provides or maintains a medical benefit plan, that provides any hospital or medical services or any other health care or other medical benefits or services, or both, in Kansas, shall provide the secretary with information, to the extent known by the medical benefit plan provider, identifying each person who is covered by such medical benefit plan or who is otherwise provided any such hospital or medical services or any other such health care or other medical benefits or services, or both, in Kansas under such medical benefit plan. The information shall be provided in such form as is prescribed by the secretary for the purpose of comparing such information with medicaid beneficiary information maintained by the secretary to assist in identifying other health care or medical benefit coverage available to medicaid beneficiaries. The secretary shall reimburse each medical benefit plan provider that provides information under this section for the reasonable cost of providing such information.

(b) All information provided by medical benefit plan providers under this section shall be confidential and shall not be disclosed pursuant to the provisions of the open records act or under the provisions of any other law. Such information may be used solely for the purpose of determining whether medical assistance has been paid or is eligible to be paid by the secretary for which a recovery from a medical benefit plan provider is due under K.S.A. 39-719a, and amendments thereto.

(c) Failure to provide information pursuant to a request by the secretary ~~of social and rehabilitation services for aging and disability services or the Kansas department of health and environment, or both,~~ under this section shall constitute a failure to reply to an inquiry of the commissioner of insurance and shall be subject to the penalties applicable thereto under K.S.A. ~~40-226~~ 40-2,125, and amendments thereto. If a medical plan provider fails to provide information to the secretary ~~of social and rehabilitation~~

services for aging and disability services or the Kansas department of health and environment, or both, pursuant to a request under this section, the secretary shall notify the commissioner of such failure. The commissioner of insurance may pursue each such failure to provide such information in accordance with K.S.A. ~~40-226~~ 40-2,125, and amendments thereto.

(d) As used in this section:

(1) "Medical benefit plan" means any accident and health insurance or any other policy, contract, plan or agreement that provides benefits or services, or both, for any hospital or medical services or any other health care or medical benefits or services, or both, in Kansas, whether or not such benefits or services, or both, are provided pursuant to individual, group, blanket or certificates of accident and sickness insurance, any other insurance providing any accident and health insurance, or any other policy, contract, plan or agreement providing any such benefits or services, or both, in Kansas, and includes any policy, plan, contract or agreement offered in Kansas pursuant to the federal employee retirement income security act of 1974 (ERISA) that provides any hospital or medical services or any other health care or medical benefits or services, or both, in Kansas; and

(2) "medical benefit plan provider" means any insurance company, nonprofit medical and hospital service corporation, health maintenance organization, fraternal benefit society, municipal group-funded pool, group-funded workers compensation pool or any other entity providing or maintaining a medical benefit plan.

(e) No medicaid provider who rendered professional services to a medicaid beneficiary and was paid by the secretary for such services shall be liable to the medical benefit plan provider for any amounts recovered pursuant to this act or pursuant to the provisions of K.S.A. 39-719a, and amendments thereto.

Sec. 9. K.S.A. 40-1612 is hereby amended to read as follows: 40-1612. In addition to the provisions of this article, the provisions set forth in the following sections of the Kansas Statutes Annotated, and amendments thereto, which govern other types of insurance companies shall apply to reciprocals to the extent that such provisions do not conflict with the provisions of this article: Sections 40-208, 40-209, 40-214, 40-215, 40-216, 40-218, 40-220, 40-221a, 40-222, 40-223, 40-224, 40-225, 40-229, 40-229a, 40-231, 40-233, 40-234, 40-234a, 40-235, 40-236, 40-237, 40-238, 40-239, 40-240, 40-241, 40-242, 40-244, 40-245, 40-246, except as to contracts written through traveling salaried representatives to whom no commissions are paid, 40-246a, 40-247, 40-248, 40-249, 40-250, 40-251, 40-253, ~~40-254~~, 40-256, 40-281, 40-2,125, 40-2,126, 40-2,127, 40-2,128, 40-2,156, 40-2,156a, 40-2,157, 40-2,159, 40-952, 40-2001, 40-2002, 40-2003, 40-2004, 40-2005, 40-2006 and 40-2404 and article 2a of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, and any other provision of law pertaining to insurance which specifically refers to reciprocals.

Sec. 10. K.S.A. 40-19a10 is hereby amended to read as follows: 40-19a10. (a) Such corporations shall be subject 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~~, 40-2,102, 40-2a01 et seq., 40-2215 to 40-2220, inclusive, 40-2253, 40-2401 to 40-2421, inclusive, 40-3301 to 40-3313, inclusive, K.S.A. 40-2,125, 40-2,154 and 40-2,161, 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.

Sec. 11. K.S.A. 2012 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, ~~40-2,125~~, 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. 2012 Supp. 40-2,105a, 40-2,105b, 40-2,184 and 40-2,190, 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. 12. (a) This section shall apply to all insurers transacting business in the state offering individual or group sickness and accident insurance. Such insurers also may offer a mandate lite health benefit plan. A group or individual carrier may also offer a mandate lite health benefit plan.

(b) A mandate lite health benefit plan means an individual or group sickness and accident insurance plan that does not contain one or more of the Kansas-mandated benefits other than K.S.A. 40-2,100 and 40-2,166, and amendments thereto.

(c) The mandate lite health benefit plan shall contain the definitions of group or individual sickness and accident insurance with respect to major medical benefits and standard provisions or rights of coverage.

(d) The mandate lite health benefit plan may be issued on a group or individual basis.

(e) The insured shall be provided with a written notice that one or more of the state-mandated benefits are not included in the mandate lite health benefit plan.

(1) The mandate lite health benefit plan shall specify the health services that are included and shall specifically list the health services that will be limited or not covered from the list of state-mandated coverage other than K.S.A. 40-2,100 and 40-2,166, and amendments thereto.

(2) The insurer is required to retain a signed copy of this notice on file as a part of the original application as evidence that the insured has acknowledged such notice.

(3) Such signed copy may be in original form, electronic file form or in any other reproducible file form as may be consistent with the insurer's method of retaining application copies.

(f) The definition of preexisting conditions may not be more restrictive than the definition of preexisting conditions normally used for the corresponding regular individual or group insurance contracts.

(g) The mandate lite health benefit plan may offer:

(1) Various optional combinations of coverage for generic, formulary and non-formulary drugs.

(2) The mandate lite health benefit plan may offer drug discount plans.

(h) A mandate lite health benefit plan may charge additional premiums for each optional benefit offered. Optional benefits may include mandated benefits that are not included in the mandate lite health benefit plan.

(i) This section shall be known and may be cited as the mandate lite health benefit plan act.

New Sec. 13. (a) Any portion of the health insurance premiums paid by consumers that are in fact passed through as commissions shall not be considered a part of administrative expenses and shall be excluded from all determinations of the medical loss ratio calculations when totaling the ratio of premiums paid by a consumer used for claims versus administrative expenses for a policy. Any portion of premiums identified as commissions must be paid to a nonemployee in order to be excluded. Any portion of the premiums retained by the insurance company or its employees must be considered as a part of the calculation of the medical loss ratio as administrative related income.

(b) For the purposes of this section, "commission" means commissions to agents, consultation fees, counseling fees, consultant fees, and similar advising or sales compensation to a nonemployee licensed agent.

New Sec. 14. (a) For the purposes of this section:

(1) "Specially designed policy" means an insurance policy that by design may not meet all or part of the definitions of a group or individual sickness and accident insurance policy and includes temporary sickness and accident insurance on a short-term basis.

(2) "Short-term" means an insurance policy period of six months or 12 months, based upon policy design, which offers not more than one renewal period with or without a requirement of medical re-underwriting or medical requalification.

(A) Because a short-term policy addresses the special needs for temporary coverage, a short-term policy is not subject to continuation provisions of the health insurance portability and accountability act of 1996 (public law 104-191).

(B) Because a short-term policy addresses the special needs for temporary coverage, a short-term policy shall be exempt from medical loss ratio calculations associated with individual sickness and accident insurance issued within the state unless such calculation excludes any monthly administration fee associated with the sale of such policy.

(b) Specially designed policies shall include policies designed to provide sickness and accident insurance for specific coverage of benefits or services that may be excluded as benefits or services cited under section 12, and amendments thereto. Specially designed policies may include the following stand-alone policies and coverages:

(1) Chiropractic plans;
 (2) acupuncture coverage plans;
 (3) holistic medical treatment plans;
 (4) podiatrist plans;
 (5) pharmacy plans;
 (6) psychiatric plans;
 (7) allergy plans; and
 (8) such other stand-alone plans or combinations of plans of accepted traditional and nontraditional medical practice as shall be allowable for exclusion from group or individual plans under section 12, and amendments thereto.

(c) No specially designed policy shall be deemed to be included under the definition of group sickness and accident insurance, including short-term, limited-duration health insurance, issued or renewed inside or outside of this state and covering persons residing in this state.

Sec. 15. K.S.A. 39-719e, 40-254, 40-2,112, 40-12a08, 40-1612 and 40-19a10 and K.S.A. 2012 Supp. 40-19c09 and 40-2124 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before "enacting"; in line 3, by striking "allowing"; by striking all in line 4; in line 5, by striking all before the period and inserting "relating to the Kansas uninsurable health plan act; relating to updating certain statutory references; relating to mandate lite health benefit plans; amending K.S.A. 39-719e, 40-2,112, 40-12a08, 40-1612 and 40-19a10 and K.S.A. 2012 Supp. 40-19c09 and 40-2124 and repealing the existing sections; also repealing K.S.A. 40-254";

And your committee on conference recommends the adoption of this report.

ROB OLSON
 JEFF LONGBINE
 TOM HAWK

Conferees on part of Senate

CLARK SHULTZ
 PHIL HERMANSON
 GAIL FINNEY

Conferees on part of House

Senator Olson moved the Senate adopt the Conference Committee Report on **HB 2107**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2140** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 8, by striking "Alternative standardized"; in line 16, by striking all after "(d)"; by striking all in lines 17 and 18, in line 19, by striking "(e)";

And by redesignating remaining subsections accordingly;

Also on page 1, in line 31, by striking "at the lowest achievement standard" and inserting "below the "meets standards" achievement level"; in line 32, by striking "reading state assessment or an alternative standardized"; in line 33, after "assessment" by inserting "selected by the board of education of such school district to be administered to pupils enrolled in grade one"; in line 34, by striking "alternative standardized"; in line 35, by striking all after "scores"; in line 36, by striking all before "on" and inserting "below the "meets standards" achievement level"; also in line 36, by striking all after "recent";

On page 2, in line 1, by striking "alternative standardized"; in line 7, by striking "two years" and inserting "one year"; in line 17, by striking "or"; in line 20, by striking the period and inserting "; or"; in line 27, by inserting quotation marks around "meets standards"; in line 28, by striking all after "recent"; in line 29, by striking "standardized";

On page 3, in line 11, by striking "alternative standardized"; in line 12, before "meets" by inserting a quotation mark; in line 13, after "standards" by inserting a quotation mark; also in line 13, by striking "alternative standardized"; in line 14, after the period by inserting "The board of education of each school district shall select a reading assessment in accordance with any rules and regulations adopted by the state board and shall administer such assessment to pupils enrolled in grade one in such school district."; in line 38, by striking "grade one" and inserting "grades one through three"; in line 40, by striking "in rural"; in line 41, by striking "communities";

On page 4, in line 10, by striking "are not"; in line 11, by striking "state or federal moneys" and inserting "shall come solely from private funding sources";

On page 5, in line 14, by striking "grade one" and inserting "grades one, two or three"; in line 40, by striking "grade one" and inserting "grades one through three";

On page 6, in line 26, by striking "two" and inserting "four";

And your committee on conference recommends the adoption of this report.

STEVE ABRAMS
TOM ARPKE
ANTHONY HENSLEY

Conferees on part of Senate

WARD CASSIDY
AMANDA GROSSERODE
VALDENIA WINN

Conferees on part of House

Senator Abrams moved the Senate adopt the Conference Committee Report on **Sub**

Bill for HB 2140.

On roll call, the vote was: Yeas 29; Nays 11; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kelly, Kerschen, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, King, Knox, LaTurner, McGinn, Pettey.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2363** 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 7, by inserting:

"New Section 1. (a) Subject to existing water rights and the principle of beneficial use, the chief engineer may grant, upon application made therefor, limited transfer permits to authorize the use of up to 4,000,000 gallons from an existing water right. The term of such limited transfer permit will be limited to a single calendar year. Each application submitted for a limited transfer permit shall be on a form prescribed by the chief engineer and accompanied by an application fee of \$200.

(b) (1) If the base water right is groundwater, the use of water can be transferred to another well within the same source of supply within two miles.

(2) If the base water right is surface water, the use can be transferred to another surface water use within the same surface water system.

(c) The chief engineer shall adopt rules and regulations to effectuate and administer the provisions of this section. Such rules and regulations shall require that there is no increase in consumptive use enabled by the transfer permit, prescribe necessary recordkeeping and reporting requirements, prevent impairment of existing rights and address any other matter deemed necessary by the chief engineer to protect the public interest.

(d) Nothing in this section shall be deemed to vest in the holder of any permit granted pursuant to provisions of this section any permanent right to appropriate water except as is provided by such permit.

(e) 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.

(f) This section shall be part of and supplemental to the Kansas water appropriation act.":

On page 9, in line 1, by striking "obstructions" and inserting "debris"; in line 4, by striking "scalp or extract"; in line 5, by striking "streambeds" and inserting "change or diminish the course, current or cross section of any stream"; following line 33, by inserting:

"Sec. 9. K.S.A. 2012 Supp. 82a-1901 is hereby amended to read as follows: 82a-1901. (a) Orders of the chief engineer of the division of water resources of the

department of agriculture pursuant to K.S.A. 42-703, 42-722, 42-722a, 82a-708b, 82a-711, 82a-718 and 82a-1038 and K.S.A. 2012 Supp. 82a-1041, and amendments thereto, and failure of the chief engineer to act pursuant to K.S.A. 82a-714, and amendments thereto, shall be subject to review in accordance with the provisions of the Kansas administrative procedure act.

Such review shall be conducted by the secretary of agriculture or a presiding officer from the office of administrative hearings within the department of administration. The secretary of agriculture shall not have the authority otherwise to designate a presiding officer to conduct such review unless at the party's request pursuant to K.S.A. 75-37,121, and amendments thereto.

(b) The order of the secretary of agriculture or the administrative law judge or presiding officer upon review pursuant to subsection (a) shall be a final order under the Kansas administrative procedure act. Such order shall not be subject to reconsideration pursuant to K.S.A. 77-529, and amendments thereto, and shall be subject to review in accordance with the Kansas judicial review act.

(c) This act shall not affect any administrative proceeding pending before the chief engineer of the division of water resources of the department of agriculture, the secretary of agriculture or any administrative hearing officer on July 1, 1999, and such matter shall proceed as though no change in the law had been made with regard to such proceeding.;

And by redesignating sections accordingly;

Also on page 9, in line 34, by striking all after "K.S.A."; in line 35, by striking all before "are" and inserting "24-105, 24-107, 82a-307, 82a-312, 82a-313 and 82a-314 and K.S.A. 2012 Supp. 24-106, 74-509, 82a-301, 82a-302, 82a-303b, 82a-307a, 82a-326, 82a-326a, 82-734, 82a-735 and 82a-1901";

On page 1, in the title, in line 4, by striking the first "and" and inserting a comma; also in line 4, after "82a-734" by inserting "and 82a-1901"; in line 5, after "sections" by inserting ";"; also repealing K.S.A. 24-105, 24-107, 82a-312, 82a-313 and 82a-314 and K.S.A. 2012 Supp. 24-106, 74-509, 82a-307a, 82a-326a and 82a-735";

And your committee on conference recommends the adoption of this report.

LARRY POWELL
DAN KERSCHEN
MARCI FRANCISCO

Conferees on part of Senate

SHARON SCHWARTZ
KYLE HOFFMAN
PONKA-WE VICTORS

Conferees on part of House

Senator Powell moved the Senate adopt the Conference Committee Report on **HB 2363**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt,

Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to Sub **HB 2017** 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 5, following line 40, by inserting:

"New Sec. 7. (a) As used in this section:

(1) "Nudity" means the showing, unclothed or with less than a fully opaque covering, of the human male or female genitals, pubic area, buttocks or female breast below a point immediately above the top of the areola.

(2) "Pornographic materials" means sexual devices or books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video presentations, computer-generated images or pictures, slides or other visual representations, whether made or produced by electronic, mechanical or other means, which depict, describe or simulate sexually explicit conduct or nudity.

(3) "Sexually explicit conduct" means acts of masturbation, sexual intercourse, sodomy, sadomasochistic abuse or physical contact with a person's clothed or unclothed genitals, pubic area or buttocks or with a human female's breast.

(4) "Sexually violent crime" means the same as in K.S.A. 22-4902, and amendments thereto.

(b) The Kansas bureau of investigation will work with the office of the attorney general and with state and local law enforcement to identify a process to uniformly report data to the central repository enabling the production of a report generated at least annually to identify the total number of sexually violent crimes reported and the number of such crimes where pornographic materials are seized or documented as evidence. This process shall be in place within one year of the implementation of a capable central repository system.

(c) Reports of materials found pursuant to the provisions of subsection (b) shall be used for statistical purposes only.

(d) Upon implementation of a central repository system, the Kansas bureau of investigation shall:

(1) Make the necessary changes to the Kansas standard offense report and the Kansas incident based reporting system handbook; and

(2) promulgate rules and regulations concerning the training for law enforcement agencies to implement the provisions of this section.

(e) Nothing in this section shall be construed to expand the scope of the officer's search.

(f) The provisions of this section are subject to appropriations.";

And by redesignating sections accordingly;

On page 1, in the title, in line 3, after "warrants;" by inserting "sexually violent crimes; law enforcement reports on the presence of pornographic materials;"

And your committee on conference recommends the adoption of this report.

JEFF KING
GREGORY SMITH
DAVID HALEY

Conferees on part of Senate

LANCE KINZER
ROB BRUCHMAN
JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **Sub HB 2017**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2025** 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 12, after "once" by inserting "in January and once in April"; in line 13, by striking "second,"; in line 14, after "chairperson" by inserting ", but not to exceed six meetings in a calendar year, except additional meetings may be held on call of the chairperson when urgent circumstances exist which require such meetings";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK
ELAINE BOWERS
LAURA KELLY

Conferees on part of Senate

DAVID CRUM
BRIAN WEBER
JIM WARD

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **HB 2025**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher,

O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

MADAM PRESIDENT: We concur with the unanimous passage of the conference committee report on **HB 2025**, the Robert G. "Bob" Bethell joint committee on home and community based services. Few here in the Kansas Legislature, approach the combination of intellect, tenacity and perseverance that Representative Bob Bethell brought to the legislative process. His unique and untiring advocacy on behalf of quality senior living; his mixture of wit, sometimes self-effacing humor; his appreciation for Mickey Mouse and so many fond and respected memories punctuate his very being throughout our Rotunda and this building to this very day. A minister of sorts, Bob would no doubt have some philosophical irony attributed to his final day of service to his family, his community and the causes he championed ... all which he loved dearly. His life lost in a car accident heading home after a marathon day at the Legislature ... what would HE say? All we can say now, Madame President, is that we should all be so fortunate to have an identifiable legacy as enviable as Bob's. This bill is an important part of his advocacy which will now be long remembered, appropriately, in statute. Truly ... his very living was not in vain.—DAVID HALEY

Senators Bruce, Hawk, Holland, Kelly, Love, McGinn, Petersen and Schmidt request the record to show they concur with the "Explanation of Vote" offered by Senator Haley on **HB 2025**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub for HB 2034** 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 2034, as follows:

On page 1, by striking all in lines 6 and 7 and inserting:

"New Section 1. The attorney general, in consultation with other appropriate state agencies, is authorized to coordinate training regarding human trafficking for law enforcement agencies throughout Kansas.

New Sec. 2. (a) The human trafficking advisory board established by the attorney general is hereby designated the official human trafficking advisory board for the state of Kansas.

(b) The board shall include representatives from:

- (1) The office of the governor;
- (2) the attorney general's office;
- (3) the department of labor;
- (4) the department for children and families;
- (5) the department of health and environment;
- (6) the juvenile justice authority;
- (7) the Kansas association of chiefs of police;
- (8) the Kansas sheriffs' association;
- (9) the highway patrol;

- (10) the Kansas bureau of investigation;
- (11) local law enforcement agencies;
- (12) the legislature;
- (13) nongovernmental organizations focused on human trafficking issues, organizations representing diverse communities disproportionately affected by human trafficking and organizations focused on child services and runaway services;
- (14) academic researchers who are dedicated to the subject of human trafficking;
- (15) any other federal, state, or local government entity deemed necessary by the attorney general; and
- (16) any other private sector or nongovernmental organization deemed necessary by the attorney general.

New Sec. 3. There is hereby established in the state treasury the human trafficking victim assistance fund. All moneys credited to such fund shall be used to pay for the training authorized by section 1, and amendments thereto, and to support care, treatment and other services for victims of human trafficking and commercial sexual exploitation of a child. 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 attorney general or the attorney general's designee.

New Sec. 4. (a) Commercial sexual exploitation of a child is knowingly:

(1) Giving, receiving, offering or agreeing to give, or offering or agreeing to receive anything of value to perform any of the following acts:

(A) Procuring, recruiting, inducing, soliciting, hiring or otherwise obtaining any person younger than 18 years of age to engage in sexual intercourse, sodomy or manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another; or

(B) Procuring, recruiting, inducing, soliciting, hiring or otherwise obtaining a patron where there is an exchange of value, for any person younger than 18 years of age to engage in sexual intercourse, sodomy or manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the patron, the offender or another;

(2) establishing, owning, maintaining or managing any property, whether real or personal, where sexual relations are being sold or offered for sale by a person younger than 18 years of age, or participating in the establishment, ownership, maintenance or management thereof;

(3) permitting any property, whether real or personal, partially or wholly owned or controlled by the defendant to be used as a place where sexual relations are being sold or offered for sale by a person who is younger than 18 years of age; or

(4) procuring transportation for, paying for the transportation of or transporting any person younger than 18 years of age within this state with the intent of causing, assisting or promoting that person's engaging in selling sexual relations.

(b) (1) Commercial sexual exploitation of a child is a:

(A) Severity level 5, person felony, except as provided in subsections (b)(1)(B) and (b)(2); and

(B) severity level 2, person felony when committed by a person who has, prior to the commission of the crime, been convicted of a violation of this section, except as provided in subsection (b)(2).

(2) Commercial sexual exploitation of a child or attempt, conspiracy or criminal

solicitation to commit commercial sexual exploitation of a child is an off-grid person felony when the offender is 18 years of age or older and the victim is less than 14 years of age.

(3) In addition to any other sentence imposed, a person convicted under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more than \$5,000. In addition to any other sentence imposed, a person convicted under subsection (b)(1)(B) or subsection (b) (2) shall be fined not less than \$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by section 3, and amendments thereto.

(4) In addition to any other sentence imposed, for any conviction under this section, the court may order the person convicted to enter into and complete a suitable educational and treatment program regarding commercial sexual exploitation of a child.

(c) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:

(1) Subsection (c) of K.S.A. 2012 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of commercial sexual exploitation of a child pursuant to this section;

(2) subsection (c) of K.S.A. 2012 Supp. 21-5302, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of commercial sexual exploitation of a child pursuant to this section; and

(3) subsection (d) of K.S.A. 2012 Supp. 21-5303, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of commercial sexual exploitation of a child pursuant to this section.

(d) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 5. (a) Whenever a child is in custody, as defined in K.S.A. 2012 Supp. 38-2202, and amendments thereto, and such child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto, the court shall refer the child to the secretary of the department for children and families for an assessment to determine safety, placement and treatment needs for the child. The secretary shall use a research-based assessment tool to assess such needs and shall make appropriate recommendations to the court.

(b) When any law enforcement officer takes into custody any child as provided in subsection (b)(3) of K.S.A. 2012 Supp. 38-2231, and amendments thereto, the law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. The secretary of the department for children and families shall use a rapid response team to begin such assessment for appropriate and timely placement.

(c) This section shall be part of and supplemental to the revised Kansas code for care of children.

(d) This section shall take effect on and after January 1, 2014.

New Sec. 6. (a) A staff secure facility shall:

(1) Not include construction features designed to physically restrict the movements and activities of residents, but shall have a design, structure, interior and exterior environment, and furnishings to promote a safe, comfortable and therapeutic

environment for the residents;

(2) implement written policies and procedures that include the use of a combination of supervision, inspection and accountability to promote safe and orderly operations;

(3) rely on locked entrances and delayed-exit mechanisms to secure the facility, and implement reasonable rules restricting entrance to and egress from the facility;

(4) implement written policies and procedures for 24-hour-a-day staff observation of all facility entrances and exits;

(5) implement written policies and procedures for the screening and searching of both residents and visitors;

(6) implement written policies and procedures for knowing the whereabouts of all residents at all times and for handling runaways and unauthorized absences; and

(7) implement written policies and procedures for determining when the movements and activities of individual residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision.

(b) A staff secure facility shall provide the following services to children placed in such facility:

(1) Case management;

(2) life skills training;

(3) health care;

(4) mental health counseling;

(5) substance abuse screening and treatment; and

(6) any other appropriate services.

(c) Service providers in a staff secure facility shall be trained to counsel and assist victims of human trafficking and sexual exploitation.

(d) The person responsible for 24-hour-a-day staff observation of all facility entrances and exits shall be a retired or off-duty law enforcement officer.

(1) As used in this subsection, "retired law enforcement officer" means any former member of any duly organized federal, state, county or municipal law enforcement organization who by virtue of office or public employment was vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extended to all crimes or was limited to specific crimes.

(2) As used in this subsection, "off-duty law enforcement officer" means any off-duty member of any duly organized federal, state, county or municipal law enforcement organization who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(e) If the staff secure facility is on the same premises as that of another licensed facility, the living unit of the staff secure facility shall be maintained in a separate, self-contained unit. No staff secure facility shall be in a city or county jail.

(f) The secretary of health and environment, in consultation with the attorney general, shall promulgate rules and regulations to implement the provisions of this section on or before January 1, 2014.

(g) This section shall be part of and supplemental to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 7. (a) A notice offering help to victims of human trafficking shall be accessible on the official website of the attorney general, the official website of the department for children and families and the official website of the department of labor,

and may be posted in a prominent and accessible location in workplaces.

(b) The notice shall provide such information as the attorney general determines appropriate to help and support victims of human trafficking, including, but not limited to, information regarding the national human trafficking resource center (NHTRC) hotline as follows:

"If you or someone you know is being forced to engage in any activity and cannot leave — whether it is commercial sex, housework, farm work or any other activity — call the toll-free National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services. The toll-free hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a nonprofit, nongovernmental organization
- Anonymous and confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

(c) The notice described in this section shall be made available in English, Spanish, and, if requested by an employer, another language.

(d) The secretary of labor, in consultation with the attorney general, shall develop and implement an education plan to raise awareness among Kansas employers about the problem of human trafficking, about the hotline described in this section, and about other resources that may be available to employers, employees, and potential victims of human trafficking. On or before February 1, 2014, the secretary shall report to the standing committees on judiciary in the senate and the house of representatives, respectively, on the progress achieved in developing and implementing the notice requirement and education plan required by this section.

Sec. 8. K.S.A. 2012 Supp. 12-4106 is hereby amended to read as follows: 12-4106.

(a) The municipal judge shall have the power to administer the oaths and enforce all orders, rules and judgments made by such municipal judge, and may fine or imprison for contempt in the same manner and to the same extent as a judge of the district court.

(b) The municipal judge shall have the power to hear and determine all cases properly brought before such municipal judge to: Grant continuances; sentence those found guilty to a fine or confinement in jail, or both; commit accused persons to jail in default of bond; determine applications for parole; release on probation; grant time in which a fine may be paid; correct a sentence; suspend imposition of a sentence; set aside a judgment; permit time for post trial motions; and discharge accused persons.

(c) The municipal judge shall maintain a docket in which every cause commenced before such municipal judge shall be entered. Such docket shall contain the names of the accused persons and complainant, the nature or character of the offense, the date of trial, the names of all witnesses sworn and examined, the finding of the court, the judgment and sentence, the date of payment, the date of issuing commitment, if any, and every other fact necessary to show the full proceedings in each case.

(d) The municipal judge shall promptly make such reports and furnish the information requested by any departmental justice or the judicial administrator, in the manner and form prescribed by the supreme court.

(e) The municipal judge shall ensure that information concerning dispositions of city ordinance violations that result in convictions comparable to convictions for class A and B misdemeanors under Kansas criminal statutes is forwarded to the Kansas bureau of investigation central repository. This information shall be transmitted, on a form or in

a format approved by the attorney general, within 30 days of final disposition.

(f) In all cases alleging a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or K.S.A. 2012 Supp. 8-1025, and amendments thereto, the municipal court judge shall ensure that the municipal court reports the filing and disposition of such case to the Kansas bureau of investigation central repository, and, on and after July 1, 2013, reports the filing and disposition of such case electronically to the Kansas bureau of investigation central repository.

(g) In all cases in which a fine is imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or K.S.A. 2012 Supp. 8-1025 or 21-6421, and amendments thereto, the municipal court judge shall ensure that the municipal court remits the appropriate amount of such fine to the state treasurer as provided in K.S.A. 2012 Supp. 12-4120, and amendments thereto.

Sec. 9. K.S.A. 2012 Supp. 12-4120 is hereby amended to read as follows: 12-4120. (a) On and after July 1, 2012, the amount of \$250 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 8-1567 or 8-2,144 or K.S.A. 2012 Supp. 8-1025, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 2012 Supp. 75-52,113, and amendments thereto.

(b) On and after July 1, 2013, the amount of \$2,500 from each fine imposed for a violation of a city ordinance prohibiting the acts prohibited by K.S.A. 2012 Supp. 21-6421, and amendments thereto, shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the human trafficking victim assistance fund established by section 3, and amendments thereto.

Sec. 10. K.S.A. 2012 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) (1) Except as provided in ~~subsection (b), (c) and (d)~~ subsections (b), (c), (d) and (e), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction and related arrest records if three or more years have elapsed since the person:

(A) Satisfied the sentence imposed; or

(B) was discharged from probation, parole or a suspended sentence.

(2) Except as provided in ~~subsection (b), (c) and (d)~~ subsections (b), (c), (d) and (e), any person who has fulfilled the terms of a diversion agreement based on a violation of a city ordinance of this state may petition the court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 21-3512, prior to its repeal, or a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed

or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

~~(b)~~ (c) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, prior to its repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto;

(4) a violation of the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto;

(7) a violation of the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

~~(c)~~ (d) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute a violation of K.S.A. 8-1567, and amendments thereto.

~~(d)~~ (e) There shall be no expungement of convictions or diversions for a violation of a city ordinance which would also constitute a violation of K.S.A. 8-2,144, and amendments thereto.

~~(e)~~ (f) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state the:

~~(1)~~ (A) ~~The~~ Defendant's full name;

~~(2)~~ (B) ~~the~~ full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

~~(3)~~ (C) ~~the~~ defendant's sex, race and date of birth;

~~(4)~~ (D) ~~the~~ crime for which the defendant was arrested, convicted or diverted;

~~(5)~~ (E) ~~the~~ date of the defendant's arrest, conviction or diversion; and

~~(6)~~ (F) ~~the~~ identity of the convicting court, arresting law enforcement agency or diverting authority.

(2) A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section.

(3) Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

~~(f)~~ (g) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

~~(g)~~ (h) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services for children and families;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2012 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.

~~(h)~~ (i) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation, is placed on parole or probation or is granted a suspended sentence for such a violation, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

~~(i)~~ (j) Subject to the disclosures required pursuant to subsection (g), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of an offense has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such offense.

~~(j)~~ (k) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of ~~social and rehabilitation services~~ the department for children and families, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of ~~social and rehabilitation services for children and families~~ of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(12) the Kansas securities commissioner, or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the attorney general, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act;

(14) the Kansas sentencing commission;

(15) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto; or

(16) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto.

Sec. 11. K.S.A. 2012 Supp. 21-5301 is hereby amended to read as follows: 21-5301. (a) An attempt is any overt act toward the perpetration of a crime done by a person who intends to commit such crime but fails in the perpetration thereof or is

prevented or intercepted in executing such crime.

(b) It shall not be a defense to a charge of attempt that the circumstances under which the act was performed or the means employed or the act itself were such that the commission of the crime was not possible.

(c) (1) An attempt to commit an off-grid felony shall be ranked at nondrug severity level 1. An attempt to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for an attempt to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit the crime of:

(A) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2012 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2012 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in subsection (a)(3) of K.S.A. 2012 Supp. 21-5503, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, if the offender is 18 years of age or older;

(G) ~~promoting prostitution, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the offender is 18 years of age or older and the prostitute is less than 14 years of age~~ commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age; or

(H) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age.

(d) (1) An attempt to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(2) The provisions of this subsection shall not apply to a violation of attempting to commit a violation of K.S.A. 2012 Supp. 21-5703, and amendments thereto.

(e) An attempt to commit a class A person misdemeanor is a class B person misdemeanor. An attempt to commit a class A nonperson misdemeanor is a class B nonperson misdemeanor.

(f) An attempt to commit a class B or C misdemeanor is a class C misdemeanor.

Sec. 12. K.S.A. 2012 Supp. 21-5302 is hereby amended to read as follows: 21-5302. (a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It is immaterial to the criminal liability of a person charged with conspiracy that any other person with whom the defendant conspired lacked the actual intent to commit the underlying crime provided that the defendant believed the other person did have the actual intent to commit the underlying crime.

(c) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

(d) (1) Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of:

(A) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2012 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2012 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in subsection (a)(3) of K.S.A. 2012 Supp. 21-5503, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, if the offender is 18 years of age or older;

(G) ~~promoting prostitution, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the offender is 18 years of age or older and the prostitute is less than 14 years of age~~ commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age; or

(H) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age.

(e) Conspiracy to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(f) A conspiracy to commit a misdemeanor is a class C misdemeanor.

Sec. 13. K.S.A. 2012 Supp. 21-5303 is hereby amended to read as follows: 21-5303. (a) Criminal solicitation is commanding, encouraging or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.

(b) It is immaterial under subsection (a) that the actor fails to communicate with the

person solicited to commit a felony if the person's conduct was designed to effect a communication.

(c) It is an affirmative defense that the actor, after soliciting another person to commit a felony, persuaded that person not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purposes.

(d) (1) Criminal solicitation to commit an off-grid felony shall be ranked at nondrug severity level 3. Criminal solicitation to commit any other nondrug felony shall be ranked on the nondrug scale at three severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for criminal solicitation to commit a nondrug felony shall be a severity level 10.

(2) The provisions of this subsection shall not apply to a violation of criminal solicitation to commit the crime of:

(A) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age;

(B) terrorism, as defined in K.S.A. 2012 Supp. 21-5421, and amendments thereto;

(C) illegal use of weapons of mass destruction, as defined in K.S.A. 2012 Supp. 21-5422, and amendments thereto;

(D) rape, as defined in subsection (a)(3) of K.S.A. 2012 Supp. 21-5503, and amendments thereto, if the offender is 18 years of age or older;

(E) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, if the offender is 18 years of age or older;

(F) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, if the offender is 18 years of age or older;

~~(G) promoting prostitution, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the offender is 18 years of age or older and the prostitute is less than 14 years of age; commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, if the offender is 18 years of age or older and the victim is less than 14 years of age; or~~

(H) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the offender is 18 years of age or older and the child is less than 14 years of age.

(e) Criminal solicitation to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

Sec. 14. K.S.A. 2012 Supp. 21-5401 is hereby amended to read as follows: 21-5401. (a) Capital murder is the:

(1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to

which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;

(4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 2012 Supp. 21-5503, and amendments thereto, criminal sodomy, as defined in subsections (a) (3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, or aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, or any attempt thereof, as defined in K.S.A. 2012 Supp. 21-5301, and amendments thereto;

(5) intentional and premeditated killing of a law enforcement officer;

(6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; or

(7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto, or aggravated kidnapping, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense.

(b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 2012 Supp. 21-5503, and amendments thereto, aggravated indecent liberties with a child, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, prostitution selling sexual relations, as defined in K.S.A. 2012 Supp. 21-6419, and amendments thereto, promoting prostitution the sale of sexual relations, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, or sexual exploitation of a child, as defined in K.S.A. 2012 Supp. 21-5510, and amendments thereto.

(c) Capital murder is an off-grid person felony.

Sec. 15. K.S.A. 2012 Supp. 21-5502 is hereby amended to read as follows: 21-5502. (a) The provisions of this section shall apply only in a prosecution for:

(1) Rape, as defined ~~by~~ in K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(4) criminal sodomy, as defined in subsections (a)(3) and (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(6) aggravated indecent solicitation of a child, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 2012 Supp. 21-5510, and

amendments thereto;

(8) aggravated sexual battery, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(9) incest, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(10) aggravated incest, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(11) indecent solicitation of a child, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(12) aggravated assault, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5412, and amendments thereto, with intent to commit any crime specified above;

(13) sexual battery, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(14) unlawful voluntary sexual relations, as defined in K.S.A. 2012 Supp. 21-5507, and amendments thereto;

(15) aggravated human trafficking, as defined in subsections ~~(b)(1)(B) and (b)(2) and (b)(4)~~ of K.S.A. 2012 Supp. 21-5426, and amendments thereto;

(16) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto;

~~(+6) (17)~~ electronic solicitation, as defined in K.S.A. 2012 Supp. 21-5509, and amendments thereto; or

~~(+7) (18)~~ attempt, as defined in K.S.A. 2012 Supp. 21-5301, and amendments thereto, or conspiracy, as defined in K.S.A. 2012 Supp. 21-5302, and amendments thereto, to commit any crime specified above.

(b) Except as provided in subsection (c), in any prosecution to which this section applies, evidence of the complaining witness' previous sexual conduct with any person including the defendant shall not be admissible, and no reference shall be made thereto in any proceeding before the court, except under the following conditions: The defendant shall make a written motion to the court to admit evidence or testimony concerning the previous sexual conduct of the complaining witness. The motion shall be made at least seven days before the commencement of the proceeding unless that requirement is waived by the court. The motion shall state the nature of such evidence or testimony and its relevancy and shall be accompanied by an affidavit in which an offer of proof of the previous sexual conduct of the complaining witness is stated. The motion, affidavits and any supporting or responding documents of the motion shall not be made available for examination without a written order of the court except that such motion, affidavits and supporting and responding documents or testimony when requested shall be made available to the defendant or the defendant's counsel and to the prosecutor. The defendant, defendant's counsel and prosecutor shall be prohibited from disclosing any matters relating to the motion, affidavits and any supporting or responding documents of the motion. The court shall conduct a hearing on the motion in camera. At the conclusion of the hearing, if the court finds that evidence proposed to be offered by the defendant regarding the previous sexual conduct of the complaining witness is relevant and is not otherwise inadmissible as evidence, the court may make an order stating what evidence may be introduced by the defendant and the nature of the questions to be permitted. The defendant may then offer evidence and question witnesses in accordance with the order of the court.

(c) In any prosecution for a crime designated in subsection (a), the prosecutor may introduce evidence concerning any previous sexual conduct of the complaining witness, and the complaining witness may testify as to any such previous sexual conduct. If such evidence or testimony is introduced, the defendant may cross-examine the witness who gives such testimony and offer relevant evidence limited specifically to the rebuttal of such evidence or testimony introduced by the prosecutor or given by the complaining witness.

(d) As used in this section, "complaining witness" means the alleged victim of any crime designated in subsection (a), the prosecution of which is subject to this section.

Sec. 16. K.S.A. 2012 Supp. 21-6419 is hereby amended to read as follows: 21-6419. (a) ~~Prostitution~~ Selling sexual relations is performing for hire, or offering or agreeing to perform for hire where there is an exchange of value, any of the following acts:

(1) Sexual intercourse;
 (2) sodomy; or
 (3) manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another.

(b) ~~Prostitution~~ Selling sexual relations is a class B nonperson misdemeanor.

(c) It shall be an affirmative defense to any prosecution under this section that the defendant committed the violation of this section because such defendant was subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto.

Sec. 17. K.S.A. 2012 Supp. 21-6420 is hereby amended to read as follows: 21-6420. (a) Promoting ~~prostitution~~ the sale of sexual relations is knowingly:

(1) Establishing, owning, maintaining or managing ~~a house of prostitution any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older,~~ or participating in the establishment, ownership, maintenance or management thereof;

(2) permitting any ~~place property, whether real or personal,~~ partially or wholly owned or controlled by the defendant to be used as a ~~house of prostitution place where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;~~

(3) procuring a ~~prostitute for a house of prostitution person selling sexual relations who is 18 years of age or older for a place where sexual relations are being sold or offered for sale;~~

(4) inducing another ~~to become a prostitute who is 18 years of age or older to become a person who sells sexual relations;~~

(5) soliciting a patron for a ~~prostitute or for a house of prostitution a person 18 years of age or older who is selling sexual relations or for a place where sexual relations are being sold or offered for sale;~~

(6) procuring a ~~prostitute person 18 years of age or older who is selling sexual relations~~ for a patron;

(7) procuring transportation for, paying for the transportation of, or transporting a person ~~18 years of age or older within this state with the intention of assisting or promoting that person's engaging in prostitution the sale of sexual relations;~~ or

(8) being employed to perform any act which is prohibited by this section.

(b)(1) Promoting ~~prostitution~~ the sale of sexual relations is a:

(A) ~~Class A person misdemeanor when the prostitute is 16 or more years of age~~ Severity level 9, person felony, except as provided in subsection (b)(1)(B); and

(B) ~~severity level 7, person felony when the prostitute is 16 or more years of age~~ and committed by a person who has, prior to the commission of the crime, been convicted of promoting prostitution a violation of this section, or any prior version of this section; and

(C) ~~severity level 6, person felony when the prostitute is under 16 years of age,~~ except as provided in subsection (b)(2).

~~(b)(2) Promoting prostitution or attempt, conspiracy or criminal solicitation to commit promoting prostitution is an off-grid person felony when the offender is 18 years of age or older and the prostitute is less than 14 years of age.~~

~~(c) If the offender is 18 years of age or older and the victim is less than 14 years of age, the provisions of:~~

~~(1) Subsection (c) of K.S.A. 2012 Supp. 21-5301, and amendments thereto, shall not apply to a violation of attempting to commit the crime of promoting prostitution as described in subsection (b)(2);~~

~~(2) subsection (c) of K.S.A. 2012 Supp. 21-5302, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of promoting prostitution as described in subsection (b)(2); and~~

~~(3) subsection (d) of K.S.A. 2012 Supp. 21-5303, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of promoting prostitution as described in subsection (b)(2).~~

(2) In addition to any other sentence imposed, a person convicted under subsection (b)(1)(A) shall be fined not less than \$2,500 nor more than \$5,000. In addition to any other sentence imposed, a person convicted under subsection (b)(1)(B) shall be fined not less than \$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by section 3, and amendments thereto.

Sec. 18. K.S.A. 2012 Supp. 21-6421 is hereby amended to read as follows: 21-6421. (a) Patronizing a prostitute Buying sexual relations is knowingly:

(1) Entering or remaining in a house of prostitution place where sexual relations are being sold or offered for sale with intent to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act with a prostitute person selling sexual relations who is 18 years of age or older; or

(2) hiring a prostitute person selling sexual relations who is 18 years of age or older to engage in manual or other bodily contact stimulation of the genitals of any person with the intent to arouse or gratify the sexual desires of the offender or another, sexual intercourse, sodomy or any unlawful sexual act.

~~(b) Patronizing a prostitute is a class C misdemeanor~~

~~(b)(1) Buying sexual relations is a:~~

~~(A) Class A person misdemeanor, except as provided in subsection (b)(1)(B); and~~

~~(B) severity level 9, person felony when committed by a person who has, prior to the commission of the crime, been convicted of a violation of this section, or any prior version of this section.~~

(2) In addition to any other sentence imposed, a person convicted under subsection (b)(1)(A) shall be fined \$2,500. In addition to any other sentence imposed, a person

convicted under subsection (b)(1)(B) shall be fined not less than \$5,000. All fines collected pursuant to this section shall be remitted to the human trafficking victim assistance fund created by section 3, and amendments thereto.

(3) In addition to any other sentence imposed, for any conviction under this section, the court may order the person convicted to enter into and complete a suitable educational and treatment program regarding commercial sexual exploitation.

(e) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

Sec. 19. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) ~~and~~, (e) and (f), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d) ~~and~~, (e) and (f), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Any person convicted of prostitution, as defined in K.S.A. 21-3512, prior to its repeal, convicted of a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto, or who entered into a diversion agreement in lieu of further criminal proceedings for such violation, may petition the convicting court for the expungement of such conviction or diversion agreement and related arrest records if:

(1) One or more years have elapsed since the person satisfied the sentence imposed or the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence; and

(2) such person can prove they were acting under coercion caused by the act of another. For purposes of this subsection, "coercion" means: Threats of harm or physical restraint against any person; a scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in bodily harm or physical restraint against any person; or the abuse or threatened abuse of the legal process.

(b) (c) Except as provided in subsections (e), (d) ~~and~~ (e) and (f), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed; or the terms of a diversion agreement or was discharged

from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

~~(c)~~ (d) No person may petition for expungement until 10 or more years have elapsed since the person satisfied the sentence imposed; or the terms of a diversion agreement or was discharged from probation, 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.

~~(d)~~ (e) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as

defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(8) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp. 21-5601, and amendments thereto;

(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

~~(e)~~ (f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

~~(f)~~ (g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

- (A) Defendant's full name;
- (B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;
- (C) defendant's sex, race and date of birth;
- (D) crime for which the defendant was arrested, convicted or diverted;
- (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be

accompanied by a docket fee in the amount of \$100. On and after April 12, 2012, through June 30, 2013, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

~~(g)~~ (h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

~~(h)~~ (i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2012 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 for children and families;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2012 Supp. 75-7c01 et seq., and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

~~(j)~~ (i) 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.

~~(j)~~ (k) Subject to the disclosures required pursuant to subsection ~~(h)~~ (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, 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.

~~(k)~~ (l) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records,

except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of ~~social and rehabilitation services~~ the department for children and families, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of ~~social and rehabilitation services for children and families~~ for children and families of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
- (11) the Kansas sentencing commission;
- (12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or

investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(m) The provisions of subsection ~~(k)(17)~~ (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 20. K.S.A. 2012 Supp. 21-6626 is hereby amended to read as follows: 21-6626. (a) An aggravated habitual sex offender shall be sentenced to imprisonment for life without the possibility of parole. Such offender shall spend the remainder of the offender's natural life incarcerated and in the custody of the secretary of corrections. An offender who is sentenced to imprisonment for life without the possibility of parole shall not be eligible for parole, probation, assignment to a community correctional services program, conditional release, postrelease supervision, or suspension, modification or reduction of sentence.

(b) Upon sentencing a defendant to imprisonment for life without the possibility of parole, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced to imprisonment for life without the possibility of parole.

(c) As used in this section:

(1) "Aggravated habitual sex offender" means a person who, on and after July 1, 2006: (A) Has been convicted in this state of a sexually violent crime, as described in subsection (c)(2)(A) through ~~(e)(2)(H) or (c)(2)(J) or (c)(2)(L)~~; and (B) prior to the conviction of the felony under subparagraph (A), has been convicted of two or more sexually violent crimes;

(2) "Sexually violent crime" means:

(A) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(C) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505,

prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(D) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(E) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(F) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(G) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(H) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(J) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto;

~~(K)~~ any federal or other state conviction for a felony offense that under the laws of this state would be a sexually violent crime as defined in this section;

~~(L)~~ an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section; or

~~(M)~~ any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

Sec. 21. K.S.A. 2012 Supp. 21-6627 is hereby amended to read as follows: 21-6627. (a) (1) Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 25 years unless the court determines that the defendant should be sentenced as determined in subsection (a)(2):

(A) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if the victim is less than 14 years of age;

(B) rape, as defined in subsection (a)(3) of K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(C) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(D) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

~~(E) promoting prostitution, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the prostitute is less than 14 years of age~~ commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, if the victim is

less than 14 years of age;

(F) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the child is less than 14 years of age; and

(G) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in subsections (a)(1)(A) through (a)(1)(F).

(2) The provision of subsection (a)(1) requiring a mandatory minimum term of imprisonment of not less than 25 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2012 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(b) (1) On and after July 1, 2006, if a defendant who is 18 years of age or older is convicted of a crime listed in subsection (a)(1) and such defendant has previously been convicted of a crime listed in subsection (a)(1), a crime in effect at any time prior to July 1, 2011, which is substantially the same as a crime listed in subsection (a)(1) or a crime under a law of another jurisdiction which is substantially the same as a crime listed in subsection (a)(1), the court shall sentence the defendant to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years. The provisions of this paragraph shall not apply to a crime committed under K.S.A. 2012 Supp. 21-5507, and amendments thereto, or a crime under a law of another jurisdiction which is substantially the same as K.S.A. 2012 Supp. 21-5507, and amendments thereto.

(2) The provision of subsection (b)(1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to K.S.A. 2012 Supp. 21-6626, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 480 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years, 40 years or be sentenced as determined in subsection (a)(2) or subsection (b)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits.

(d) (1) On or after July 1, 2006, for a first time conviction of an offense listed in subsection (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and

compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the revised Kansas sentencing guidelines act, article 68 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, and, subject to the provisions of K.S.A. 2012 Supp. 21-6818, and amendments thereto, no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder.

(2) As used in this subsection, "mitigating circumstances" shall include, but are not limited to, the following:

- (A) The defendant has no significant history of prior criminal activity;
- (B) the crime was committed while the defendant was under the influence of extreme mental or emotional disturbances;
- (C) the victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor;
- (D) the defendant acted under extreme distress or under the substantial domination of another person;
- (E) the capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was substantially impaired; and
- (F) the age of the defendant at the time of the crime.

(e) The provisions of K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, shall not apply to any defendant sentenced pursuant to this section.

Sec. 22. K.S.A. 2012 Supp. 21-6806 is hereby amended to read as follows: 21-6806. (a) Sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of the primary sentence for good time as authorized by K.S.A. 2012 Supp. 21-6821, and amendments thereto.

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 2012 Supp. 21-5401, 21-5402, 21-5421, 21-5422 and 21-5901, and amendments thereto, are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 2012 Supp. 21-6617, 21-6618, 21-6619, 21-6622, 21-6624, 21-6625, 21-6628 and 21-6629, and amendments thereto, the sentence shall be imprisonment for life and shall not be subject to statutory provisions for suspended sentence, community service or probation.

(d) As identified in K.S.A. 2012 Supp. 21-5426, 21-5503, 21-5504, 21-5506, 21-5510 and ~~21-6420~~ section 4, and amendments thereto, if the offender is 18 years of age or older and the victim is under 14 years of age, such violations are off-grid crimes for the purposes of sentencing. Except as provided in K.S.A. 2012 Supp. 21-6626, and amendments thereto, the sentence shall be imprisonment for life pursuant to K.S.A. 2012 Supp. 21-6627, and amendments thereto.

Sec. 23. K.S.A. 2012 Supp. 21-6815 is hereby amended to read as follows: 21-6815. (a) Except as provided in subsection (b), the sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines unless the judge finds substantial and compelling reasons to impose a departure sentence. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) Subject to the provisions of subsection (b) of K.S.A. 2012 Supp. 21-6817, and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt.

(c) (1) Subject to the provisions of subsections (c)(3) and (e), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor may be considered when it is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(2) Subject to the provisions of subsection (c)(3), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.

(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.

(E) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to:

- (i) Commit any person felony;
- (ii) assist in avoiding detection or apprehension for commission of any person felony; or
- (iii) attempt, conspire or solicit, as defined in K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, to commit any person felony.

That the defendant did not know the age of the individual under 16 years of age shall not be a consideration.

(F) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

- (i) "Crime of extreme sexual violence" is a felony limited to the following:
- (a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;
 - (b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization; or
 - (c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age-;
 - (d) aggravated human trafficking, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if the victim is less than 14 years of age; or
 - (e) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, if the victim is less than 14 years of age.
- (ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:
- (a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or
 - (b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.
 - (iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.
- (G) The defendant was incarcerated during the commission of the offense.
- (H) The crime involved two or more participants in the criminal conduct, and the defendant played a major role in the crime as the organizer, leader, recruiter, manager or supervisor.
- In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.
- (3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.
- (d) In determining aggravating or mitigating circumstances, the court shall consider:
- (1) Any evidence received during the proceeding;
 - (2) the presentence report;
 - (3) written briefs and oral arguments of either the state or counsel for the defendant; and
 - (4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.
- (e) Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is

alleged to have committed an offense, the court may consider such mitigation in determining whether substantial and compelling reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

(1) The court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the prosecutor's evaluation of the assistance rendered;

(2) the truthfulness, completeness and reliability of any information or testimony provided by the defendant;

(3) the nature and extent of the defendant's assistance;

(4) any injury suffered, or any danger or risk of injury to the defendant or the defendant's family resulting from such assistance; and

(5) the timeliness of the defendant's assistance.

Sec. 24. K.S.A. 2012 Supp. 22-2515 is hereby amended to read as follows: 22-2515. (a) An ex parte order authorizing the interception of a wire, oral or electronic communication may be issued by a judge of competent jurisdiction. The attorney general, district attorney or county attorney may make an application to any judge of competent jurisdiction for an order authorizing the interception of a wire, oral or electronic communication by an investigative or law enforcement officer and agency having responsibility for the investigation of the offense regarding which the application is made, when such interception may provide evidence of the commission of any of the following offenses:

(1) Any crime directly and immediately affecting the safety of a human life which is a felony;

(2) murder;

(3) kidnapping;

(4) treason;

(5) sedition;

(6) racketeering;

(7) commercial bribery;

(8) robbery;

(9) theft, if the offense would constitute a felony;

(10) bribery;

(11) any felony violation of K.S.A. 2012 Supp. 21-5701 through 21-5717, and amendments thereto;

(12) commercial gambling;

(13) sports bribery;

(14) tampering with a sports contest;

(15) aggravated escape;

(16) aggravated failure to appear;

(17) arson;

(18) terrorism;

(19) illegal use of weapons of mass destruction; ~~or~~

(20) human trafficking or aggravated human trafficking;

(21) sexual exploitation of a child;

(22) commercial sexual exploitation of a child;

(23) buying sexual relations, promoting the sale of sexual relations or selling sexual relations; or

~~(20)~~(24) any conspiracy to commit any of the foregoing offenses.

(b) Any investigative or law enforcement officer who, by any means authorized by this act or by chapter 119 of title 18 of the United States code, has obtained knowledge of the contents of any wire, oral or electronic communication, or evidence derived therefrom, may disclose such contents to another investigative or law enforcement officer to the extent that such disclosure is appropriate to the proper performance of the official duties of the officer making or receiving the disclosure.

(c) Any investigative or law enforcement officer who, by any means authorized by this act or by chapter 119 of title 18 of the United States code, has obtained knowledge of the contents of any wire, oral or electronic communication, or evidence derived therefrom, may use such contents to the extent such use is appropriate to the proper performance of such officer's official duties.

(d) Any person who has received, by any means authorized by this act or by chapter 119 of title 18 of the United States code or by a like statute of any other state, any information concerning a wire, oral or electronic communication, or evidence derived therefrom, intercepted in accordance with the provisions of this act, may disclose the contents of such communication or such derivative evidence while giving testimony under oath or affirmation in any criminal proceeding in any court, or before any grand jury, of this state or of the United States or of any other state.

(e) No otherwise privileged wire, oral or electronic communication intercepted in accordance with, or in violation of, the provisions of this act or of chapter 119 of title 18 of the United States code shall lose its privileged character.

(f) When an investigative or law enforcement officer, while engaged in intercepting wire, oral or electronic communications in the manner authorized by this act, intercepts wire, oral or electronic communications relating to offenses other than those specified in the order authorizing the interception of the wire, oral or electronic communication, the contents thereof and evidence derived therefrom may be disclosed or used as provided in subsections (b) and (c) of this section. Such contents and evidence derived therefrom may be used under subsection (d) of this section when authorized or approved by a judge of competent jurisdiction, where such judge finds on subsequent application, made as soon as practicable, that the contents were otherwise intercepted in accordance with the provisions of this act, or with chapter 119 of title 18 of the United States code.

Sec. 25. K.S.A. 22-2530 is hereby amended to read as follows: 22-2530. If a search warrant is executed which authorizes a search of real property based upon an alleged offense involving gambling, obscenity, ~~prostitution~~ the sale of sexual relations, controlled substances or liquor, a copy of the warrant shall be delivered to the last known address of the owner of the property within two business days, excluding Saturdays, Sundays and legal holidays, after execution of the warrant if such address is different from the address of the property for which the warrant was issued.

Sec. 26. K.S.A. 2012 Supp. 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 in a criminal case shall be taken to the court of appeals, except in those cases reviewable by law in the district court 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 in a

criminal case shall be taken directly to the supreme court in the following cases:

(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 K.S.A. 2012 Supp. 21-6627, 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 K.S.A. 2012 Supp. 21-5426, and amendments thereto;

(B) rape, subsection (b)(2)(B) of K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(C) aggravated criminal sodomy, subsection (c)(2)(B)(ii) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(D) aggravated indecent liberties with a child, subsection (c)(2)(C)(ii) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(E) sexual exploitation of a child, subsection (b)(2)(B) of K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(F) ~~promoting prostitution, subsection (b)(4) of K.S.A. 2012 Supp. 21-6420, and amendments thereto~~ commercial sexual exploitation of a child, subsection (b)(2) of section 4, and amendments thereto; or

(G) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-3503, and amendments thereto, of any such felony.

Sec. 27. K.S.A. 2012 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4635 through 21-4638, prior to their repeal; K.S.A. 21-4624, prior to its repeal; K.S.A. 21-4642, prior to its repeal; K.S.A. 2012 Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2012 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of capital murder, or an inmate sentenced for the crime of murder in the first degree based upon a finding of premeditated murder, committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(2) Except as provided by subsection (b)(1) or (b)(4), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2012 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to

imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(3) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2012 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(4) An inmate sentenced to imprisonment for a violation of subsection (a) of K.S.A. 21-3402, prior to its repeal, committed on or after July 1, 1996, but prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(5) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2012 Supp. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2012 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2012 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on

or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2012 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(D) (i) The sentencing judge shall impose the postrelease supervision period provided in subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C), unless the judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated. In that event, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 2012 Supp. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

- (a) Written briefs or oral arguments submitted by either the defendant or the state;
- (b) any evidence received during the proceeding;
- (c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to subsection (e) of K.S.A. 21-4714, prior to its repeal, or subsection (e) of K.S.A. 2012 Supp. 21-6813, and amendments thereto; and
- (d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subparagraph (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2012 Supp. 21-6817, and amendments thereto.

(vi) Upon petition, the prisoner review board may provide for early discharge from the postrelease supervision period upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to subparagraph (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2012 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) Except as provided in subsection (u), persons convicted of a sexually violent crime committed on or after July 1, 2006, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(2) As used in this subsection, "sexually violent crime" means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(D) criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) and (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto; or

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(L) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto; or

~~(M)~~ (M) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(3) As used in this subsection, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could

have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.

(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of

the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.

(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board

shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances which would render a plan of payment unworkable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances which would render payment unworkable;

(5) unless it finds compelling circumstances which would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to search or seizure by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court which sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances which

would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions which result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to May 25, 2000, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section for offenders convicted of severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes and severity level 4 crimes on the sentencing guidelines grid for drug crimes on or before September 1, 2000; for offenders convicted of severity levels 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes on or before November 1, 2000; and for offenders convicted of severity levels 5 and 6 crimes on the sentencing guidelines grid for nondrug crimes and severity level 3 crimes on the sentencing guidelines grid for drug crimes on or before January 1, 2001.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2012 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to subsection (r) of K.S.A. 2012 Supp. 21-6604, and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means: Any obscene

material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 2012 Supp. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 28. K.S.A. 2012 Supp. 22-3901 is hereby amended to read as follows: 22-3901. The following unlawful activities and the use of real or personal property in maintaining and carrying on such activities are hereby declared to be common nuisances:

- (a) Commercial gambling;
- (b) dealing in gambling devices;
- (c) possession of gambling devices;
- (d) promoting obscenity;
- (e) promoting ~~prostitution~~ the sale of sexual relations;
- (f) ~~habitually promoting prostitution~~ commercial sexual exploitation of a child;
- (g) violations of any law regulating controlled substances;
- (h) habitual violations of any law regulating the sale or exchange of alcoholic liquor or cereal malt beverages, by any person not licensed pursuant to chapter 41 of the Kansas Statutes Annotated, and amendments thereto;
- (i) habitual violations of any law regulating the sale or exchange of cigarettes or tobacco products, by any person not licensed pursuant to article 33 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;
- (j) any felony committed 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. As used in this subsection, "criminal street gang" means any organization, association or group, whether formal or informal:
 - (1) Consisting of three or more persons;
 - (2) having as one of its primary activities the commission of one or more person felonies, person misdemeanors, felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors;
 - (3) which has a common name or common identifying sign or symbol; and
 - (4) whose 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, person misdemeanors, felony violations of K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, any felony violation of any provision of the uniform controlled substances act prior to July 1, 2009, or the comparable juvenile offenses, which if committed by an adult would constitute the commission of such felonies or misdemeanors, or any substantially similar offense from another jurisdiction;

or

(k) use of pyrotechnics, pyrotechnic devices or pyrotechnic materials in violation of K.S.A. 2012 Supp. 31-170, and amendments thereto.

Any real property used as a place where any such activities are carried on or permitted to be carried on and any effects, equipment, paraphernalia, fixtures, appliances, musical instruments or other personal property designed for and used on such premises in connection with such unlawful activities are subject to the provisions of K.S.A. 22-3902, 22-3903 and 22-3904, and amendments thereto.

Sec. 29. K.S.A. 2012 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

- (a) "Offender" means:
 - (1) A sex offender;
 - (2) a violent offender;
 - (3) a drug offender;
 - (4) any person who has been required to register under out of state law or is otherwise required to be registered; and
 - (5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.
- (b) "Sex offender" includes any person who:
 - (1) On or after April 14, 1994, is convicted of any sexually violent crime;
 - (2) On or after April 14, 1994, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;
 - (3) has been determined to be a sexually violent predator;
 - (4) on or after May 29, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:
 - (A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2012 Supp. 21-5511, and amendments thereto;
 - (B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;
 - (C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2012 Supp. 21-6420, ~~and amendments thereto~~ prior to its amendment by this act on July 1, 2013;
 - (D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2012 Supp. 21-6421, ~~and amendments thereto~~ prior to its amendment by this act on July 1, 2013; or
 - (E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2012 Supp. 21-5513, and amendments thereto;
 - (5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;
 - (6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this

subsection; or

(7) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) "Sexually violent crime" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5605, and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 2012 Supp. 21-5509, and amendments thereto, committed on or after April 17, 2008;

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2012 Supp. 21-5512, and amendments thereto;

(13) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(14) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto;

~~(13)~~ (15) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

~~(14)~~ (16) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

~~(15)~~ (17) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-

forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

(e) "Violent offender" includes any person who:

(1) On or after May 29, 1997, is convicted of any of the following crimes:

(A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

(B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

(C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

(D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

(E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

(F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

(G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

(H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2012 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or

(I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if not committed in whole or in part for the purpose of the sexual gratification of the defendant or another;

(2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(3) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(f) "Drug offender" means any person who has been convicted of:

(1) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2012 Supp. 21-5703, and amendments thereto;

(2) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or

phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined in subsection (a) of K.S.A. 65-7006, prior to its repeal, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer, or subsection (a) of K.S.A. 2012 Supp. 21-5709, and amendments thereto;

(3) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A. 2012 Supp. 21-5705, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05 which occurred on or after July 1, 2009, through April 15, 2010;

(4) an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(5) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction or adjudication. Any conviction or adjudication set aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out of state court shall constitute a conviction or adjudication for purposes of this section.

(h) "School" means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) "Employment" means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) "Reside" means to stay, sleep or maintain with regularity or temporarily one's person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender's person for three or more consecutive days or parts of days, or for ten or more non-consecutive days in a period of 30 consecutive days.

(k) "Residence" means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) "Transient" means having no fixed or identifiable residence.

(m) "Law enforcement agency having initial jurisdiction" means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender's discharge, parole or release.

(n) "Registering law enforcement agency" means the sheriff's office or tribal police department responsible for registering an offender.

(o) "Registering entity" means any person, agency or other governmental unit, correctional facility or registering law enforcement agency responsible for obtaining the

required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. "Registering entity" shall include, but not be limited to, sheriff's offices, tribal police departments and correctional facilities.

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto.

(q) "Correctional facility" means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) "Out of state" means: the District of Columbia; any federal, military or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) "Duration of registration" means the length of time during which an offender is required to register for a specified offense or violation.

Sec. 30. K.S.A. 2012 Supp. 22-4906 is hereby amended to read as follows: 22-4906. (a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2012 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;

(C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2012 Supp. 21-6421, ~~and amendments thereto~~ prior to its amendment by this act on July 1, 2013, when one of the parties involved is less than 18 years of age;

(D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2012 Supp. 21-5513, and amendments thereto, when one of the parties involved is less than 18 years of age;

(E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

(F) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

(G) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

(H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

(I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

(J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2012 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;

(K) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(L) conviction of any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;

(M) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(N) unlawful manufacture or attempting such of any controlled substance or controlled substance analog as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2012 Supp. 21-5703, and amendments thereto;

(O) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer, or subsection (a) of K.S.A. 2012 Supp. 21-5709, and amendments thereto;

(P) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A. 2012 Supp. 21-5705, and amendments thereto; or

(Q) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

(A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, when one of the parties involved is less than 18 years of age;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2012 Supp. 21-5509, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2012 Supp. 21-5512, and amendments thereto;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or

subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2012 Supp. 21-6420, ~~and amendments thereto prior to its amendment by this act on July 1, 2013~~, if the prostitute person selling sexual relations is 14 or more years of age but less than 18 years of age; or

(J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.

(d) The duration of registration for any offender who has been convicted of any of the following offenses shall be for such offender's lifetime:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age;

(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2012 Supp. 21-6420, ~~and amendments thereto prior to its amendment by this act on July 1, 2013~~, if the prostitute person selling sexual relations is less than 14 years of age;

(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto; ~~or~~

(11) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto; or

~~(H)(12)~~ any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2012 Supp. 21-6804, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2012 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or adjudicated offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or adjudicated in an out of state court, or who was required to register under an out of state law, the duration of registration shall be the length of time required by the out of state jurisdiction or by the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out of state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act. The duration of registration shall begin upon establishing residency, beginning employment or beginning school.

Sec. 31. K.S.A. 2012 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, which is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2012 Supp. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not

due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, subsection (j) of K.S.A. 74-8810, subsection (m) or (n) of K.S.A. 79-3321, or subsection (a)(14) of K.S.A. 2012 Supp. 21-6301, and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act which if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2012 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in subsection (a) (14) of K.S.A. 2012 Supp. 21-6301, and amendments thereto; or

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2012 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11, of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) "Court-appointed special advocate" means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2012 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) "Custody" whether temporary, protective or legal, means the status created by court order or statute which vests in a custodian, whether an individual or an agency, the

right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) "Extended out of home placement" means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the home.

(j) "Educational institution" means all schools at the elementary and secondary levels.

(k) "Educator" means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in subsection (a) of K.S.A. 72-89b03, and amendments thereto.

(l) "Harm" means physical or psychological injury or damage.

(m) "Interested party" means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2012 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) "Jail" means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) "Juvenile detention facility" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders which must not be a jail.

(p) "Juvenile intake and assessment worker" means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) "Kinship care" means the placement of a child in the home of the child's relative or in the home of another adult with whom the child or the child's parent already has a close emotional attachment.

(r) "Law enforcement officer" means any 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 crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) "Multidisciplinary team" means a group of persons, appointed by the court under K.S.A. 2012 Supp. 38-2228, and amendments thereto, which has knowledge of the circumstances of a child in need of care.

(t) "Neglect" means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall not for that reason be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to subsection (a)(2) of K.S.A. 2012 Supp. 38-2217, and amendments thereto.

(u) "Parent" when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) "Party" means the state, the petitioner, the child, any parent of the child and an Indian child's tribe intervening pursuant to the Indian child welfare act.

(w) "Permanency goal" means the outcome of the permanency planning process which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) "Permanent custodian" means a judicially approved permanent guardian of a child pursuant to K.S.A. 2012 Supp. 38-2272, and amendments thereto.

(y) "Physical, mental or emotional abuse" means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child's health or emotional well-being is endangered.

(z) "Placement" means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) "Relative" means a person related by blood, marriage or adoption but, when referring to a relative of a child's parent, does not include the child's other parent.

(bb) "Secretary" means the secretary of ~~social and rehabilitation services~~ the department for children and families or the secretary's designee.

(cc) "Secure facility" means a facility, other than a staff secure facility which is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(dd) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include allowing, permitting or encouraging a child to engage in ~~prostitution~~ the sale of sexual relations or commercial sexual exploitation of a child, or to be photographed, filmed or depicted in pornographic material.

(ee) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need

of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(ff) "Staff secure facility" means a facility described in section 6, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

~~(ff)~~ (gg) "Transition plan" means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

~~(gg)~~ (hh) "Youth residential facility" means any home, foster home or structure which provides 24-hour-a-day care for children and which is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 32. On January 1, 2014, K.S.A. 2012 Supp. 38-2231 is hereby amended to read as follows: 38-2231. (a) A law enforcement officer or court services officer shall take a child under 18 years of age into custody when:

(1) The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or

(2) the law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) ~~The law enforcement officer~~ Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found; ~~or~~

(2) ~~when the officer~~ has probable cause to believe that the child is a missing person and a verified missing person entry for the child can be found in the national crime information center missing person system; or

(3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.

(c) (1) If a person provides shelter to a child whom the person knows is a runaway, such person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian.

(2) If a person reports a runaway's location to a law enforcement agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child's best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection (b), in the absence of a court order to the contrary. If the child is allowed to so remain, the law enforcement agency shall promptly notify the secretary of the child's location and circumstances.

(d) Except as provided in subsections (a) and (b), a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory

school attendance, pursuant to K.S.A. 72-1111, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to subsection (g) of K.S.A. 2012 Supp. 38-2232, and amendments thereto.

Sec. 33. On January 1, 2014, K.S.A. 2012 Supp. 38-2232 is hereby amended to read as follows: 38-2232. (a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall forthwith be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

(2) Except as provided in subsection (b), if the child is not delivered to the custody of the child's parent or other custodian, the child shall forthwith be delivered to a shelter facility designated by the court, court services officer, juvenile intake and assessment worker, licensed attendant care center or other person or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary.

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2012 Supp. 38-2202, and amendments thereto, the law enforcement officer shall deliver the child to a juvenile detention facility or other secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2012 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(5) It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child's parents or other persons interested in or likely to be interested in the child and all other facts and circumstances which caused the child to be taken into custody.

(b)(1) When any law enforcement officer takes into custody any child as provided in subsection (b)(2) of K.S.A. 2012 Supp. 38-2231, and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2012 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as provided in subsection (b)(3) of K.S.A. 2012 Supp. 38-2231, and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a juvenile detention facility or other secure facility, except as authorized by this section and by K.S.A. 2012

Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

- (1) The name and address of the child, if known;
- (2) the names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and
- (3) the officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.

(d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.

(e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.

(f) In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.

(g) When any law enforcement officer takes into custody any child as provided in subsection (d) of K.S.A. 2012 Supp. 38-2231, and amendments thereto, the child shall forthwith be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.

Sec. 34. On January 1, 2014, K.S.A. 2012 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

- (1) The applicant's belief that the child is a child in need of care;
- (2) that the child is likely to sustain harm if not immediately removed from the home;
- (3) that allowing the child to remain in the home is contrary to the welfare of the child; and
- (4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists which threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2012 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2012 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.

(c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility; or

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto; or

~~(E)~~ (F) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2012 Supp. 38-2202, and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility pursuant to an order of protective custody for a period of not to exceed

24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(d) The order of protective custody shall be served pursuant to subsection (a) of K.S.A. 2012 Supp. 38-2237, and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2012 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(f) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A)

(i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 35. On January 1, 2014, K.S.A. 2012 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is

not likely to be available within the jurisdiction of the court for future proceedings; ~~or~~ (3) health or welfare of the child may be endangered without further care; (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto; or (5) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility; ~~or~~

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto; or

~~(E)~~ (F) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to subsection (d)(9) or (d)(10) of K.S.A. 2012 Supp. 38-2202, and amendments thereto, the child may be placed in a juvenile detention facility or other secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2012 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is

entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2012 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2012 Supp. 38-2277, and amendments thereto.

Sec. 36. On January 1, 2014, K.S.A. 2012 Supp. 38-2255 is hereby amended to read as follows: 38-2255. (a) *Considerations*. Prior to entering an order of disposition, the court shall give consideration to:

(1) The child's physical, mental and emotional condition;

(2) the child's need for assistance;

(3) the manner in which the parent participated in the abuse, neglect or abandonment of the child;

(4) any relevant information from the intake and assessment process; and

(5) the evidence received at the dispositional hearing.

(b) *Custody with a parent*. The court may place the child in the custody of either of the child's parents subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including, but not limited to:

(1) Supervision of the child and the parent by a court services officer;

(2) participation by the child and the parent in available programs operated by an appropriate individual or agency; and

(3) any special treatment or care which the child needs for the child's physical, mental or emotional health and safety.

(c) *Removal of a child from custody of a parent*. The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (1) (A) The child is likely to sustain harm if not immediately removed from the home;

(B) allowing the child to remain in home is contrary to the welfare of the child; or

(C) immediate placement of the child is in the best interest of the child; and

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists

which threatens the safety to the child.

The court shall not enter an order removing a child from the custody of a parent pursuant to this section based solely on the finding that the parent is homeless.

(d) *Custody of a child removed from the custody of a parent.* If the court has made the findings required by subsection (c), the court shall enter an order awarding custody to: A relative of the child or to a person with whom the child has close emotional ties who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; ~~to~~; any other suitable person; ~~to~~; a shelter facility; ~~to~~; a youth residential facility; a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2012 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by section 4, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto; or, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to the secretary. Custody awarded under this subsection shall continue until further order of the court.

(1) When custody is awarded to the secretary, the secretary shall consider any placement recommendation by the court and notify the court of the placement or proposed placement of the child within 10 days of the order awarding custody. After providing the parties or interested parties notice and opportunity to be heard, the court may determine whether the secretary's placement or proposed placement is contrary to the welfare or in the best interests of the child. In making that determination the court shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the secretary. If the court determines that the placement or proposed placement is contrary to the welfare or not in the best interests of the child, the court shall notify the secretary, who shall then make an alternative placement.

(2) The custodian designated under this subsection shall notify the court in writing at least 10 days prior to any planned placement with a parent. The written notice shall state the basis for the custodian's belief that placement with a parent is no longer contrary to the welfare or best interest of the child. Upon reviewing the notice, the court may allow the custodian to proceed with the planned placement or may set the date for a hearing to determine if the child shall be allowed to return home. If the court sets a hearing on the matter, the custodian shall not return the child home without written consent of the court.

(3) The court may grant any person reasonable rights to visit the child upon motion of the person and a finding that the visitation rights would be in the best interests of the child.

(4) The court may enter an order restraining any alleged perpetrator of physical, mental or emotional abuse or sexual abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to subsection (a) of K.S.A. 2012 Supp. 38-2237, and amendments thereto, on any alleged perpetrator to whom the order is directed.

(5) The court shall provide a copy of any orders entered within 10 days of entering the order to the custodian designated under this subsection.

(e) *Further determinations regarding a child removed from the home.* If custody has been awarded under subsection (d) to a person other than a parent, a permanency plan shall be provided or prepared pursuant to K.S.A. 2012 Supp. 38-2264, and amendments thereto. If a permanency plan is provided at the dispositional hearing, the court may determine whether reintegration is a viable alternative or, if reintegration is not a viable alternative, whether the child should be placed for adoption or a permanent custodian appointed. In determining whether reintegration is a viable alternative, the court shall consider:

(1) Whether a parent has been found by a court to have committed one of the following crimes or to have violated the law of another state prohibiting such crimes or to have aided and abetted, attempted, conspired or solicited the commission of one of these crimes: (A) Murder in the first degree, K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto; (B) murder in the second degree, K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto; (C) capital murder, K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto; (D) voluntary manslaughter, K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto; or (E) a felony battery that resulted in bodily injury;

(2) whether a parent has subjected the child or another child to aggravated circumstances;

(3) whether a parent has previously been found to be an unfit parent in proceedings under this code or in comparable proceedings under the laws of another state or the federal government;

(4) whether the child has been in extended out of home placement;

(5) whether the parents have failed to work diligently toward reintegration;

(6) whether the secretary has provided the family with services necessary for the safe return of the child to the home; and

(7) whether it is reasonable to expect reintegration to occur within a time frame consistent with the child's developmental needs.

(f) *Proceedings if reintegration is not a viable alternative.* If the court determines that reintegration is not a viable alternative, proceedings to terminate parental rights and permit placement of the child for adoption or appointment of a permanent custodian shall be initiated unless the court finds that compelling reasons have been documented in the case plan why adoption or appointment of a permanent custodian would not be in the best interests of the child. If compelling reasons have not been documented, the county or district attorney shall file a motion within 30 days to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall hold a hearing on the motion within 90 days of its filing. No hearing is required when the parents voluntarily relinquish parental rights or consent to the appointment of a permanent custodian.

(g) *Additional Orders.* In addition to or in lieu of any other order authorized by this section:

(1) The court may order the child and the parents of any child who has been adjudicated a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health

provider shall charge a greater fee for court-ordered counseling than the provider would have charged to the person receiving counseling if the person had requested counseling on the person's own initiative.

(2) If the court has reason to believe that a child is before the court due, in whole or in part, to the use or misuse of alcohol or a violation of K.S.A. 2012 Supp. 21-5701 through 21-5717, and amendments thereto, by the child, a parent of the child, or another person responsible for the care of the child, the court may order the child, parent of the child or other person responsible for the care of the child to submit to and complete an alcohol and drug evaluation by a qualified person or agency and comply with any recommendations. If the evaluation is performed by a community-based alcohol and drug safety program certified pursuant to K.S.A. 8-1008, and amendments thereto, the child, parent of the child or other person responsible for the care of the child shall pay a fee not to exceed the fee established by that statute. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary.

(3) If child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is subject to the jurisdiction of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 2012 Supp. 38-2277, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 2012 Supp. 23-3101 et seq., and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 2012 Supp. 38-2279, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

Sec. 37. K.S.A. 2012 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 K.S.A. 2012 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp. 21-5405, and

amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto, aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5601, and amendments thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2012 Supp. 21-5602, 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.

(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, 2013, the supreme court may impose a charge, not to exceed \$19 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.

(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) (i) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge; or

(ii) one year has elapsed since the final discharge for an adjudication concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 2012 Supp. 21-6419, and amendments thereto;

(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.

(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.

(g) A certified copy of any order made pursuant to subsection (a) or (d) shall be sent to 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 agency fails to comply with the order within a reasonable time after its receipt, such agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(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.

(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.

(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~~ the department for children and families, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of ~~social and rehabilitation services for children and families~~ of children and families of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) 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;

(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. 38. K.S.A. 2012 Supp. 38-2361 is hereby amended to read as follows: 38-2361. (a) Upon adjudication as a juvenile offender pursuant to K.S.A. 2012 Supp. 38-2356, and amendments thereto, modification of sentence pursuant to K.S.A. 2012 Supp. 38-2367, and amendments thereto, or violation of a condition of sentence pursuant to K.S.A. 2012 Supp. 38-2368, and amendments thereto, and subject to subsection (a) of K.S.A. 2012 Supp. 38-2365, and amendments thereto, the court may impose one or more of the following sentencing alternatives. In the event that any sentencing alternative chosen constitutes an order authorizing or requiring removal of the juvenile from the juvenile's home and such findings either have not previously been made or the findings are not or may no longer be current, the court shall make determinations as required by K.S.A. 2012 Supp. 38-2334 and 38-2335, and amendments thereto.

(1) Place the juvenile on probation through court services or community corrections for a fixed period, subject to terms and conditions the court deems appropriate consistent with juvenile justice programs in the community.

(2) Order the juvenile to participate in a community based program available in such judicial district subject to the terms and conditions the court deems appropriate. This alternative shall not be ordered with the alternative in paragraph (12) and when ordered with the alternative in paragraph (10) shall constitute a recommendation. Requirements pertaining to child support may apply if custody is vested with other than a parent.

(3) Place the juvenile in the custody of a parent or other suitable person, subject to terms and conditions consistent with juvenile justice programs in the community. This alternative shall not be ordered with the alternative in paragraph (10) or (12). Requirements pertaining to child support may apply if custody is vested with other than a parent.

(4) Order the juvenile to attend counseling, educational, mediation or other sessions, or to undergo a drug evaluation pursuant to subsection (b).

(5) Suspend or restrict the juvenile's driver's license or privilege to operate a motor vehicle on the streets and highways of this state pursuant to subsection (c).

- (6) Order the juvenile to perform charitable or community service work.
- (7) Order the juvenile to make appropriate reparation or restitution pursuant to subsection (d).
- (8) Order the juvenile to pay a fine not exceeding \$1,000 pursuant to subsection (e).
- (9) Place the juvenile under a house arrest program administered by the court pursuant to K.S.A. 2012 Supp. 21-6609, and amendments thereto.
- (10) Place the juvenile in the custody of the commissioner as provided in K.S.A. 2012 Supp. 38-2365, and amendments thereto. This alternative shall not be ordered with the alternative in paragraph (3) or (12). Except for a mandatory drug and alcohol evaluation, when this alternative is ordered with alternatives in paragraphs (2), (4) and (9), such orders shall constitute a recommendation by the court. Requirements pertaining to child support shall apply under this alternative.
- (11) Commit the juvenile to a sanctions house for a period no longer than 28 days subject to the provisions of subsection (f).
- (12) Commit the juvenile directly to the custody of the commissioner for a period of confinement in a juvenile correctional facility and a period of aftercare pursuant to K.S.A. 2012 Supp. 38-2369, and amendments thereto. The provisions of K.S.A. 2012 Supp. 38-2365, and amendments thereto, shall not apply to juveniles committed pursuant to this provision, provided however, that 21 days prior to the juvenile's release from a juvenile correctional facility, the commissioner or designee shall notify the court of the juvenile's anticipated release date. The court shall set and hold a permanency hearing pursuant to K.S.A. 2012 Supp. 38-2365, and amendments thereto, within seven days after the juvenile's release. This alternative may be ordered with the alternative in paragraph (7). Requirements pertaining to child support shall apply under this alternative.
 - (b) If the court orders the juvenile to attend counseling, educational, mediation or other sessions, or to undergo a drug and alcohol evaluation pursuant to subsection (a) (4), the following provisions apply:
 - (1) The court may order the juvenile offender to participate in counseling or mediation sessions or a program of education, including placement in an alternative educational program approved by a local school board. The costs of any counseling or mediation may be assessed as expenses in the case. No mental health center shall charge a fee for court-ordered counseling greater than what the center would have charged the person receiving the counseling if the person had requested counseling on the person's own initiative. No mediator shall charge a fee for court-ordered mediation greater than what the mediator would have charged the person participating in the mediation if the person had requested mediation on the person's own initiative. Mediation may include the victim but shall not be mandatory for the victim; and
 - (2) if the juvenile has been adjudicated to be a juvenile by reason of a violation of a statute that makes such a requirement, the court shall order and, if adjudicated for any other offense, the court may order the juvenile to submit to and complete a drug and alcohol evaluation by a community-based drug and alcohol safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. The court may waive the mandatory evaluation if the court finds that the juvenile completed a drug and alcohol evaluation, approved by the community-based alcohol and drug safety action program, within 12 months before sentencing. If the evaluation occurred more than 12 months

before sentencing, the court shall order the juvenile to resubmit to and complete the evaluation and program as provided herein. If the court finds that the juvenile and those legally liable for the juvenile's support are indigent, the court may waive the fee. In no event shall the fee be assessed against the commissioner or the juvenile justice authority nor shall the fee be assessed against the secretary of ~~social and rehabilitation services~~ the department for children and families or the department of ~~social and rehabilitation services~~ for children and families if the juvenile is in the secretary's care, custody and control.

(c) If the court orders suspension or restriction of a juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state pursuant to subsection (a)(5), the following provisions apply:

(1) The duration of the suspension ordered by the court shall be for a definite time period to be determined by the court. Upon suspension of a license pursuant to this subsection, the court shall require the juvenile offender to surrender the license to the court. The court shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the division for return of the license. If the license has expired, the juvenile offender may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the juvenile offender's privilege to operate a motor vehicle is in effect. As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto. Any juvenile offender who does not have a driver's license may have driving privileges revoked. No Kansas driver's license shall be issued to a juvenile offender whose driving privileges have been revoked pursuant to this section for a definite time period to be determined by the court; and

(2) in lieu of suspending a juvenile offender's driver's license or privilege to operate a motor vehicle on the highways of this state, the court may enter an order which places conditions on the juvenile offender's privilege of operating a motor vehicle on the streets and highways of this state, a certified copy of which the juvenile offender shall be required to carry any time the juvenile offender is operating a motor vehicle on the streets and highways of this state. The order shall prescribe a definite time period for the conditions imposed. Upon entering an order restricting a juvenile offender's license, the court shall require the juvenile offender to surrender such juvenile offender's license to the court. The court shall transmit the license to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on the juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing the conditions is required to be carried by the juvenile offender when operating a motor vehicle on the streets and highways of this state. If the juvenile offender is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of the juvenile offender's state of issuance. The court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until the division issues the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this

subsection, the juvenile offender may apply to the division for the return of the license previously surrendered by the juvenile offender. In the event the license has expired, the juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law unless such juvenile offender's privilege to operate a motor vehicle on the streets and highways of this state has been suspended or revoked prior thereto. If any juvenile offender violates any of the conditions imposed under this subsection, the juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be revoked for a period as determined by the court in which the juvenile offender is convicted of violating such conditions.

(d) The following provisions apply to the court's determination of whether to order reparation or restitution pursuant to subsection (a)(7):

(1) The court shall order the juvenile to make reparation or restitution to the aggrieved party for the damage or loss caused by the juvenile offender's offense unless it finds compelling circumstances that would render a plan of reparation or restitution unworkable. If the court finds compelling circumstances that would render a plan of reparation or restitution unworkable, the court shall enter such findings with particularity on the record. In lieu of reparation or restitution, the court may order the juvenile to perform charitable or social service for organizations performing services for the community; and

(2) restitution may include, but shall not be limited to, the amount of damage or loss caused by the juvenile's offense. Restitution may be made by payment of an amount fixed by the court or by working for the parties sustaining loss in the manner ordered by the court. An order of monetary restitution shall be a judgment against the juvenile that may be collected by the court by garnishment or other execution as on judgments in civil cases. Such judgment shall not be affected by the termination of the court's jurisdiction over the juvenile offender.

(e) If the court imposes a fine pursuant to subsection (a)(8), the following provisions apply:

(1) The amount of the fine may not exceed \$1,000 for each offense. The amount of the fine should be related to the seriousness of the offense and the juvenile's ability to pay. Payment of a fine may be required in a lump sum or installments;

(2) in determining whether to impose a fine and the amount to be imposed, the court shall consider that imposition of a fine is most appropriate in cases where the juvenile has derived pecuniary gain from the offense and that imposition of a restitution order is preferable to imposition of a fine; and

(3) any fine imposed by court shall be a judgment against the juvenile that may be collected by the court by garnishment or other execution as on judgments in civil cases. Such judgment shall not be affected by the termination of the court's jurisdiction over the juvenile.

(f) If the court commits the juvenile to a sanctions house pursuant to subsection (a)(11), the following provisions shall apply:

(1) The court may order commitment for up to 28 days for the same offense or violation of sentencing condition. The court shall review the commitment every seven days and, may shorten the initial commitment or, if the initial term is less than 28 days, may extend the commitment;

(2) if, in the sentencing order, the court orders a sanctions house placement for a verifiable probation violation and such probation violation occurs, the juvenile may immediately be taken to a sanctions house and detained for no more than 48 hours, excluding Saturdays, Sundays, holidays, and days on which the office of the clerk of the court is not accessible, prior to court review of the placement. The court and all parties shall be notified of the sanctions house placement; and

(3) a juvenile over 18 years of age and less than 23 years of age at sentencing shall be committed to a county jail, in lieu of a sanctions house, under the same time restrictions imposed by paragraph (1), but shall not be committed to or confined in a juvenile detention facility.

(g) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the court's minutes.

(h) In addition to the requirements of K.S.A. 2012 Supp. 38-2373, and amendments thereto, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an offense if committed by an adult would constitute the commission of a felony, the court shall forward a signed copy of the journal entry to the commissioner within 30 days of final disposition.

(i) Except as further provided, if a juvenile has been adjudged to be a juvenile offender for an offense that if committed by an adult would constitute the commission of: (1) Aggravated human trafficking, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto, if the victim is less than 14 years of age; (2) rape, as defined in subsection (a)(3) of K.S.A. 2012 Supp. 21-5503, and amendments thereto; (3) aggravated indecent liberties with a child, as defined in subsection (b)(3) of K.S.A. 2012 Supp. 21-5506, and amendments thereto; (4) aggravated criminal sodomy, as defined in subsection (b)(1) or (b)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto; (5) ~~promoting prostitution, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the prostitute~~ commercial sexual exploitation of a child, as defined in section 4, and amendments thereto, if the victim is less than 14 years of age; (6) sexual exploitation of a child, as defined in subsection (a)(1) or (a)(4) of K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age; or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of an offense defined in parts (1) through (6); the court shall issue an order prohibiting the juvenile from attending the attendance center that the victim of the offense attends. If only one attendance center exists, for which the victim and juvenile are eligible to attend, in the school district where the victim and the juvenile reside, the court shall hear testimony and take evidence from the victim, the juvenile, their families and a representative of the school district as to why the juvenile should or should not be allowed to remain at the attendance center attended by the victim. After such hearing, the court may issue an order prohibiting the juvenile from attending the attendance center that the victim of the offense attends.

(j) The sentencing hearing shall be open to the public as provided in K.S.A. 2012 Supp. 38-2353, and amendments thereto.

Sec. 39. K.S.A. 2012 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license

notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping ~~a house of prostitution any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older~~ or has forfeited bond to appear in court to answer charges of being a keeper of ~~a house of prostitution any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older~~;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2012 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the

effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least one year immediately preceding the date of application;

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2012 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and

responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping ~~a house of prostitution any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older~~ or has forfeited bond to appear in court to answer charges of being a keeper of ~~a house of prostitution any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older~~;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 40. K.S.A. 2012 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. Drinking establishment includes a railway car.

(i) "Food" means any raw, cooked or processed edible substance or ingredient,

other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) "Food service establishment" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(k) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving prostitution, the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

(1) Not less than 4,000 permanent seats; and

(2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to

transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) "Secretary" means the secretary of revenue.

(v) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto.

Sec. 41. K.S.A. 2012 Supp. 60-4104 is hereby amended to read as follows: 60-4104. Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

(a) All offenses which statutorily and specifically authorize forfeiture;

(b) violations involving controlled substances, as described in K.S.A. 2012 Supp. 21-5701 through 21-5717, and amendments thereto;

(c) theft, as defined in K.S.A. 2012 Supp. 21-5801, and amendments thereto;

(d) criminal discharge of a firearm, as defined in subsections (a)(1) and (a)(2) of K.S.A. 2012 Supp. 21-6308, and amendments thereto;

(e) gambling, as defined in K.S.A. 2012 Supp. 21-6404, and amendments thereto, and commercial gambling, as defined in subsection (a)(1) of K.S.A. 2012 Supp. 21-6406, and amendments thereto;

(f) counterfeiting, as defined in K.S.A. 2012 Supp. 21-5825, and amendments thereto;

(g) unlawful possession or use of a scanning device or reencoder, as described in K.S.A. 2012 Supp. 21-6108, and amendments thereto;

(h) medicaid fraud, as described in K.S.A. 2012 Supp. 21-5925 through 21-5934, and amendments thereto;

(i) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;

(j) an act or omission committed in furtherance of any act or omission described in this section including any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;

(k) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;

(l) furtherance of terrorism or illegal use of weapons of mass destruction, as described in K.S.A. 2012 Supp. 21-5423, and amendments thereto;

(m) unlawful conduct of dog fighting and unlawful possession of dog fighting paraphernalia, as defined in subsections (a) and (b) of K.S.A. 2012 Supp. 21-6414, and amendments thereto;

(n) unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia, as defined in subsections (a) and (b) of K.S.A. 2012 Supp. 21-6417, and amendments thereto;

(o) ~~prostitution~~ selling sexual relations, as defined in K.S.A. 2012 Supp. 21-6419, and amendments thereto, ~~promoting prostitution~~ the sale of sexual relations, as defined in K.S.A. 2012 Supp. 21-6420, and amendments thereto, and ~~patronizing a prostitute~~ buying sexual relations, as defined in K.S.A. 2012 Supp. 21-6421, and amendments thereto;

(p) human trafficking and aggravated human trafficking, as defined in K.S.A. 2012 Supp. 21-5426, and amendments thereto;

- (q) violations of the banking code, as described in K.S.A. 9-2012, and amendments thereto;
- (r) mistreatment of a dependent adult, as defined in K.S.A. 2012 Supp. 21-5417, and amendments thereto;
- (s) giving a worthless check, as defined in K.S.A. 2012 Supp. 21-5821, and amendments thereto;
- (t) forgery, as defined in K.S.A. 2012 Supp. 21-5823, and amendments thereto;
- (u) making false information, as defined in K.S.A. 2012 Supp. 21-5824, and amendments thereto;
- (v) criminal use of a financial card, as defined in K.S.A. 2012 Supp. 21-5828, and amendments thereto;
- (w) unlawful acts concerning computers, as described in K.S.A. 2012 Supp. 21-5839, and amendments thereto;
- (x) identity theft and identity fraud, as defined in subsections (a) and (b) of K.S.A. 2012 Supp. 21-6107, and amendments thereto;
- (y) electronic solicitation, as defined in K.S.A. 2012 Supp. 21-5509, and amendments thereto; ~~and~~
- (z) felony violations of fleeing or attempting to elude a police officer, as described in K.S.A. 8-1568, and amendments thereto; and
- (aa) commercial sexual exploitation of a child, as defined in section 4, and amendments thereto.

Sec. 42. K.S.A. 2012 Supp. 68-2255 is hereby amended to read as follows: 68-2255. (a) As used in this section:

- (1) "Adult cabaret" means a nightclub, bar, restaurant or similar commercial establishment which regularly features:
 - (A) Persons who appear in a state of nudity or semi-nudity;
 - (B) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
 - (C) films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;
- (2) "nudity" or a "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state;
- (3) "semi-nudity" means a state of dress in which opaque clothing fails to cover the genitals, anus, anal cleft or cleavage, pubic area, vulva, nipple and areola of the female breast below a horizontal line across the top of the areola at its highest point. Semi-nudity shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the human female breast exhibited by wearing apparel provided the areola is not exposed in whole or part;
- (4) "sexually-oriented business" means any business which offers its patrons goods of which a substantial portion are sexually-oriented materials. Any business where more than 10% of display space is used for sexually-oriented materials shall be presumed to be a sexually-oriented business;
- (5) "sexually-oriented materials" means any textual, pictorial or three dimensional

material that depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors;

(6) "sign" or "outdoor advertising" means any outdoor sign, display, device, notice, bulletin, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform, any part of the advertising or informative contents of which is located within an adjacent area, and is visible from the state highway.

(b) No sign or other outdoor advertising, for an adult cabaret or sexually-oriented business shall be located within one mile of any state highway except if such business is located within one mile of a state highway then the business may display a maximum of two exterior signs on the premises of the business, consisting of one identification sign and one sign solely giving notice that the premises are off limits to minors. The identification sign shall be no more than 40 square feet in size and shall include no more than the following information: Name, street address, telephone number and operating hours of the business.

(c) Signs existing at the time of the effective date of this act, which did not conform to the requirements of this section, and amendments thereto, may be allowed to continue as a nonconforming use, but should be made to conform within three years from July 1, 2006.

(d) Any owner of such a business who violates the provisions of this section shall be guilty of a class C misdemeanor. Each week a violation of this section continues to exist shall constitute a separate offense.

(e) This section is designed to protect the following public policy interests of this state, including, but not limited to:

(1) To mitigate the adverse secondary effects of sexually-oriented businesses; (2) to improve traffic safety; (3) to limit harm to minors; and (4) to reduce ~~prostitution~~ the sale of sexual relations, crime, juvenile delinquency, deterioration in property values and lethargy in neighborhood improvement efforts.

(f) The attorney general shall represent the state in all actions and proceedings arising from this section, and amendments thereto. All costs incurred by the attorney general to defend or prosecute this section, including payment of all court costs, civil judgments and, if necessary, any attorneys fees, shall be paid from the state general fund.

Sec. 43. K.S.A. 22-2530 and K.S.A. 2012 Supp. 12-4106, 12-4120, 12-4516, 21-5301, 21-5302, 21-5303, 21-5401, 21-5502, 21-6419, 21-6420, 21-6421, 21-6614, 21-6626, 21-6627, 21-6806, 21-6815, 22-2515, 22-3601, 22-3717, 22-3901, 22-4902, 22-4906, 38-2202, 38-2312, 38-2361, 41-311, 41-2601, 60-4104 and 68-2255 are hereby repealed.

Sec. 44. On January 1, 2014, K.S.A. 2012 Supp. 38-2231, 38-2232, 38-2242, 38-2243 and 38-2255 are hereby repealed.";

And by redesignating sections accordingly;

On page 1, in the title, by striking all in lines 1 through 3 and inserting:

"AN ACT concerning crimes, punishment and criminal procedure; relating to human trafficking; human trafficking advisory board; establishing the human trafficking victim assistance fund; creating the crime of commercial sexual exploitation of a child; relating to selling sexual relations, promoting sexual relations, buying sexual relations; children

in need of care; staff secure facilities; amending K.S.A. 22-2530 and K.S.A. 2012 Supp. 12-4106, 12-4120, 12-4516, 21-5301, 21-5302, 21-5303, 21-5401, 21-5502, 21-6419, 21-6420, 21-6421, 21-6614, 21-6626, 21-6627, 21-6806, 21-6815, 22-2515, 22-3601, 22-3717, 22-3901, 22-4902, 22-4906, 38-2202, 38-2231, 38-2232, 38-2242, 38-2243, 38-2255, 38-2312, 38-2361, 41-311, 41-2601, 60-4104 and 68-2255 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

JEFF KING
GREGORY SMITH
DAVID HALEY

Conferees on part of Senate

JOHN RUBIN
RAMON GONZALEZ
GAIL FINNEY

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub for HB 2034**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2081** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, following line 5, by inserting:

"Section 1. K.S.A. 60-903 is hereby amended to read as follows: 60-903. ~~(a) No notice or bond required. A restraining order may issue without notice or bond, except as provided in subsection (b) of K.S.A. 60-904, and amendments thereto, but if it appears to the judge that a restraining order may result in damage to the party restrained, a bond to secure payment of any damages sustained may be required. An application for a restraining order shall also be considered as an application for a temporary injunction and either party may give notice of hearing thereon. The order shall remain in force until the hearing on the application for a temporary injunction.~~

(a) Temporary restraining order; issuing without notice. Except as provided in subsection (b) of K.S.A. 60-904, and amendments thereto, the court may issue a temporary restraining order without notice or bond to the adverse party or its attorney only if:

(1) Specific facts in an affidavit or a verified complaint clearly show that

immediate and irreparable injury, loss or damage will result to the movant before the adverse party can be heard in opposition;

(2) the movant's attorney certifies in writing any efforts made to give notice and the reasons why it should not be required; and

(3) notice of the issuance of a temporary restraining order is provided to the attorney general of the state of Kansas if the adverse party is the state of Kansas or an agency, officer or employee thereof, or to the appropriate city clerk or county clerk if the adverse party is a city or county or an agency, officer or employee thereof.

(b) *Contents; expiration.* Every temporary restraining order issued without notice must state the date and hour it was issued, describe the injury and state why it is irreparable, state why the order was issued without notice and be promptly filed in the clerk's office and entered in the record. The order expires at the time after entry, not to exceed 14 days, that the court sets, unless before that time the court, for good cause, extends it for a like period or the adverse party consents to a longer extension. The reasons for an extension must be entered in the record.

(c) *Expediting the temporary injunction hearing.* If the temporary restraining order is issued without notice, the motion for a temporary injunction must be set for hearing at the earliest possible time, taking precedence over all other matters except hearings on older matters of the same character. At the hearing, the party who obtained the order must proceed with the motion, and if the party does not, the court must dissolve the order.

(d) *Service.* Where a temporary restraining order is issued without notice, it shall be served upon each party restrained in the manner prescribed for personal service of a summons.

(e) *Motion to Dissolve.* On two days' notice to the party who obtained the temporary restraining order without notice, or on shorter notice set by the court, the adverse party may appear and move to dissolve or modify the order. The court must then hear and decide the motion as promptly as justice requires.

(f) *Security.* Unless otherwise provided by statute or this section, the court may issue a temporary restraining order only if the movant gives security in an amount that the court considers proper to pay the costs and damages sustained by any party found to have been wrongfully restrained. The state of Kansas or an agency, officer or employee thereof, is not required to give security. For any city or county or an agency, officer or employee thereof, at the discretion of the judge, the security required by this subsection may be waived.

Sec. 2. K.S.A. 2012 Supp. 60-2001 is hereby amended to read as follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$156 on and after July 1, 2009 through June 30, 2013, and \$154 on and after July 1, 2013, to the clerk of the district court. Except as provided further, the docket fee established in this subsection 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, 2013, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by

reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in: (A) The six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall ~~be in the following form and attached to the petition:~~

State of Kansas, _____ County:

~~In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee set forth a factual basis upon which the plaintiff alleges by reason of poverty an inability to pay a docket fee, including, but not limited to, the source and amount of the plaintiff's weekly income. Such affidavit shall be signed and sworn to by the plaintiff under oath, before one who has authority to administer the oath, under penalty of perjury, K.S.A. 2012 Supp. 21-5903, and amendments thereto. The form of the affidavit shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.~~

(3) *Court review; grounds for dismissal; service of process.* ~~The court shall review any petition authorized for filing under this subsection. Upon such review, if the court finds that the plaintiff's allegation of poverty is untrue, the court shall direct the plaintiff to pay the docket fee or dismiss the petition without prejudice. Notwithstanding K.S.A. 60-301, and amendments thereto, service of process shall not issue unless the court grants leave following its review.~~

(c) *Disposition of fees.* The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. For every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. The service of process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of

process, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any mileage for serving any papers or process.

Sec. 3. K.S.A. 2012 Supp. 60-2414 is hereby amended to read as follows: 60-2414.

(a) *Right of redemption by defendant owner.* Except as stated in subsection (m) and as otherwise provided by law, the defendant owner may redeem any real property sold under execution, special execution or order of sale, at any time within 12 months from the day of sale, for the amount paid by the current holder of the certificate of purchase, including expenses incurred by the holder of the certificate of purchase in accordance with subsection (d), together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto, costs and taxes to the date of redemption. The defendant owner in the meantime shall be entitled to the possession of the property. If the court finds after hearing, either before or after sale, upon not less than 21 days' notice to all parties, that the property has been abandoned, or is not occupied in good faith, the period of redemption for the defendant owner may be shortened or extinguished by the court. The right of redemption shall not apply to oil and gas leaseholds. Except for mortgages covering agricultural lands or for mortgages covering single or two-family dwellings owned by or held in trust for natural persons owning or holding such dwelling as their residence, the mortgagor may agree in the mortgage instrument to a shorter period of redemption than 12 months or may wholly waive the period of redemption.

(b) *Redemption by lien creditor.* Except as provided in subsection (m), for the first three months of the redemption period, if any, the right of the defendant owner or successors and assigns to redeem is exclusive. If no redemption is made by the defendant owner during the time in which the defendant owner has the exclusive right to redeem, any creditor referred to in subsection (c) may redeem the property during the balance of the redemption period remaining. If the defendant owner has waived the right of redemption, a creditor shall have a right to redeem the property for a period of three months from the date of the judicial sale. If the defendant owner has agreed to a period of redemption of three months or less, a creditor shall have a right to redeem for a period of three months from the date of expiration of the defendant owner's redemption period. If the court shortens or extinguishes the period of redemption because of abandonment or lack of good faith occupation as provided in subsection (a), the court shall specify in the order a time not to exceed three months during which a creditor may redeem. The first creditor redeeming must pay only the amount of the successful sale bid, the expenses incurred by the holder of the certificate in accordance with subsection (d), together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto, costs and taxes to the date of redemption. After redemption by a creditor, no further redemption shall be allowed except by the defendant owner or such owner's successors and assigns. If a creditor redeems during the period of redemption for the defendant owner, the defendant owner shall have the balance of such period, but in no event less than 14 days from the filing of the affidavit required in subsection (f), to redeem from the creditor. When the defendant owner or such owner's successors and assigns redeem subsequent to redemption by a creditor, the defendant owner or such owner's successors and assigns shall pay an amount equal to

the redemption amount paid by such creditor, plus the amount required by subsection (f), and expenses incurred by the creditor in accordance with subsection (d), together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto, costs and taxes to the date of redemption.

(c) *Creditors who may redeem.* Any creditor whose claim is or becomes a lien prior to the expiration of the time allowed by law for the redemption by creditors may redeem. A mortgagee may redeem upon the terms prescribed by this section before or after the debt secured by the mortgage falls due.

(d) *Terms of redemption; rights of parties.* During the period allowed for redemption, the holder of the certificate of purchase or the creditor who has redeemed may pay the taxes on the lands sold, insurance premiums on the improvements thereon, other sums necessary to prevent waste, and interest or sums due, upon any prior lien or encumbrance on the real property. Upon the redemption of the property, the holder of the certificate or the creditor who has redeemed shall be entitled to repayment of all sums thus paid, together with interest at the rate provided for in subsection (e)(1) of K.S.A. 16-204, and amendments thereto. All expenses incurred by the holder of the certificate or the creditor who has redeemed shall be as shown by receipts or vouchers filed in the office of the clerk of the district court.

(e) *Effect of failure of debtor to redeem; deficiency.* If the defendant owner or such owner's successors or assigns fail to redeem as provided in this section, the holder of the certificate of purchase or the creditor who has redeemed prior to the expiration of the redemption period will hold the property absolutely. If it is held by a redeeming creditor, the lien and the claim out of which it arose will be held to be extinguished, unless the redeeming creditor is unwilling to hold the property and credit the defendant owner with the full amount of the redeeming creditor's lien and, at the time of redemption, files with the clerk of the district court a statement of the amount that the redeeming creditor is willing to credit on the claim. If the redeeming creditor files such a statement and the defendant owner or such owner's successors and assigns fail to redeem, the creditor's claim shall be extinguished by the amount in the statement. The sheriff, at the end of the redemption period, shall execute a deed to the current owner of the certificate of purchase or the creditor who has redeemed prior to the expiration of the redemption period.

(f) *Mode of redemption.* The party redeeming shall pay the money into the office of the clerk of the district court for the use of the persons entitled to it. The clerk shall give a receipt for the money, stating the purpose for which it is paid. The clerk shall also enter the transaction on the appearance docket of the case, showing the amount paid. A redeeming creditor, or agent of the creditor, shall also file an affidavit stating as nearly as practicable the amount still unpaid due on the claim of that creditor and any lesser amount the creditor is willing to credit on the claim in accordance with subsection (e). The creditor's claim, or such lesser amount as the creditor is willing to credit on the claim in accordance with subsection (e), shall be added to the redemption amount to be paid by the defendant owner or such owner's successors and assigns.

(g) *Redemption of property sold in parcels, or undivided portions.* Whenever the property has been sold in parcels, any distinct portion of that property may be redeemed by itself. If a creditor has redeemed, the amount of the creditor's claim or such lesser amount as the creditor is willing to credit on the claim as stated in the affidavit under subsection (f) shall be added to each parcel sold pro rata in proportion to the amount for

which it was originally sold. When the interests of several tenants in common have been sold on execution the undivided portion of any or either of them may be redeemed separately.

(h) *Transfer of right of redemption.* The rights of the defendant owner in relation to redemption may be assigned or transferred, and the assignee or transferee shall have the same right of redemption as the defendant owner. The assigned or transferred right of redemption shall not be subject to levy or sale on execution.

(i) *Holder of legal title.* The holder of the legal title at the time of issuance of execution or order of sale shall have the same right of redemption upon the same terms and conditions as the defendant in execution and shall be entitled to the possession of the property the same as the defendant in execution.

(j) *Injury or waste after sale.* After the sheriff makes the deed to the purchaser or party entitled to a deed under sale as provided in this section, the purchaser or party may assert a claim for damages against any person committing or permitting any injury or waste upon the property purchased after the sale and before possession is delivered under the conveyance.

(k) *Second sale not permitted.* Real estate once sold upon order of sale, special execution or general execution shall not again be liable for sale for any balance due upon the judgment or decree under which it is sold, or any judgment or lien inferior thereto, including unadjudicated junior liens filed after the petition is filed in the district court to foreclose the senior lien against the real estate.

(l) *Injunction or receiver to protect property.* The holder of the certificate of purchase shall be entitled to prevent any waste or destruction of the premises purchased. For that purpose the court, on proper showing, may issue an injunction or, when required to protect the premises against waste, appoint a receiver who shall hold the premises until the purchaser is entitled to a deed. The receiver may rent, control and manage the premises but the income during that time, except the fees and expenses of the receiver and the amount that is necessary to keep up repairs, prevent waste and pay real estate taxes and insurance premiums, shall go to the person who otherwise would be entitled to possession during the period of redemption.

(m) *Owners reduced redemption period.* In the event a default occurs in the conditions of the mortgage or instrument of the most senior lien foreclosed before $\frac{1}{3}$ of the original indebtedness secured by the mortgage or lien has been paid, the court shall order a redemption period of three months. If, after proper showing, the court finds that the total outstanding amount of all mortgages or liens is less than $\frac{1}{3}$ of the market value of the property, the court shall order a redemption period of 12 months. If the court finds after a hearing with not less than 21 days' notice to all parties, that the defendant owner has involuntarily lost such owner's primary source of income after the date of the foreclosure sale and prior to expiration of a three-month period of redemption, the court may extend the three-month period of redemption an additional three months. If the court orders a redemption period of six months or less, the right of the defendant owner or successors and assigns to redeem is exclusive for the first two months of the redemption period. This subsection shall not apply in the event redemption rights have been shortened, waived or terminated pursuant to subsection (a).";

On page 3, following line 30, by inserting:

"New Sec. 6. (a) The conduct prohibited by K.S.A. 2012 Supp. 21-6107, and amendments thereto, constitutes an unconscionable act or practice in violation of K.S.A.

50-627, and amendments thereto, and any person who engages in such conduct shall be subject to the remedies and penalties provided by the Kansas consumer protection act.

(b) For the purposes of the remedies and penalties provided by the Kansas consumer protection act:

(1) The person committing the conduct prohibited by K.S.A. 2012 Supp. 21-6107, and amendments thereto, shall be deemed the supplier, and the person who is the victim of such conduct shall be deemed the consumer; and

(2) proof of a consumer transaction shall not be required.

(c) This section shall be part of and supplemental to the Kansas consumer protection act and shall be known and may be cited as the Wayne Owen law.";

And by renumbering sections accordingly;

On page 3, in line 31, after "K.S.A." by inserting "60-903 and K.S.A."; also in line 31, after "Supp." by inserting "60-2001, 60-2414,";

On page 1, in the title, in line 1, after "procedure" by inserting "and civil actions"; also in line 1, by striking "the forfeiture of"; in line 2, by striking "instrumentalities of a crime" and inserting "temporary restraining orders; docket fees and costs; poverty affidavits; redemption of real property; asset seizure and forfeiture; unconscionable act or practice under the Kansas consumer protection act"; also in line 2, after "K.S.A." by inserting "60-903 and K.S.A."; also in line 2, after "Supp." by inserting "60-2001, 60-2414,";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2081**.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Haley.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub for HB 2093** submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill, as introduced, as follows:

On page 1, following line 6, by inserting:

"Section 1. K.S.A. 21-2512 is hereby amended to read as follows: 21-2512. (a) Notwithstanding any other provision of law, a person in state custody, at any time after conviction for murder in the first degree as defined by K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto, or for rape as defined by K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto, may petition the court that entered the judgment for forensic DNA testing (deoxyribonucleic acid testing) of any biological material that:

(1) Is related to the investigation or prosecution that resulted in the conviction;
 (2) is in the actual or constructive possession of the state; and
 (3) was not previously subjected to DNA testing, or can be subjected to retesting with new DNA techniques that provide a reasonable likelihood of more accurate and probative results.

(b) (1) The court shall notify the prosecuting attorney of a petition made under subsection (a) and shall afford the prosecuting attorney an opportunity to respond.

(2) Upon receiving notice of a petition made under subsection (a), the prosecuting attorney shall take such steps as are necessary to ensure that any remaining biological material that was secured in connection with the case is preserved pending the completion of proceedings under this section.

(c) The court shall order DNA testing pursuant to a petition made under subsection (a) upon a determination that testing may produce noncumulative, exculpatory evidence relevant to the claim of the petitioner that the petitioner was wrongfully convicted or sentenced.

(d) The cost of DNA testing ordered under subsection (c) shall be borne by the state or the petitioner, as the court may order in the interests of justice, if it is shown that the petitioner is not indigent and possesses the means to pay.

(e) The court may at any time appoint counsel for an indigent applicant under this section.

(f) (1) Except as provided in subsection (f)(3), if the results of DNA testing conducted under this section are unfavorable to the petitioner, the court:

(A) Shall dismiss the petition; and
 (B) in the case of a petitioner who is not indigent, may assess the petitioner for the cost of such testing.

(2) If the results of DNA testing conducted under this section are favorable to the petitioner and are of such materiality that a reasonable probability exists that the new evidence would result in a different outcome at trial or sentencing, the court shall:

(A) Order a hearing, notwithstanding any provision of law that would bar such a hearing; and

(B) enter any order that serves the interests of justice, including, but not limited to, an order:

(i) Vacating and setting aside the judgment;
 (ii) discharging the petitioner if the petitioner is in custody;
 (iii) resentencing the petitioner; or
 (iv) granting a new trial.

(3) If the results of DNA testing conducted under this section are inconclusive, the court may order a hearing to determine whether there is a substantial question of innocence. If the petitioner proves by a preponderance of the evidence that there is a

substantial question of innocence, the court shall proceed as provided in subsection (f) (2).

(g) Nothing in this section shall be construed to limit the circumstances under which a person may obtain DNA testing or other postconviction relief under any other provision of law.

Sec. 2. K.S.A. 2012 Supp. 21-5402 is hereby amended to read as follows: 21-5402.

(a) Murder in the first degree is the killing of a human being committed:

(1) Intentionally, and with premeditation; or

(2) in the commission of, attempt to commit, or flight from any inherently dangerous felony.

(b) Murder in the first degree is an off-grid person felony.

(c) As used in this section, an "inherently dangerous felony" means:

(1) Any of the following felonies, whether such felony is so distinct from the homicide alleged to be a violation of subsection (a)(2) as not to be an ingredient of the homicide alleged to be a violation of subsection (a)(2):

(A) Kidnapping, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

(B) aggravated kidnapping, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

(C) robbery, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5420, and amendments thereto;

(D) aggravated robbery, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5420, and amendments thereto;

(E) rape, as defined in K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(F) aggravated criminal sodomy, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(G) abuse of a child, as defined in K.S.A. 2012 Supp. 21-5602, and amendments thereto;

(H) felony theft of property, as defined in subsection (a)(1) or (a)(3) of K.S.A. 2012 Supp. 21-5801, and amendments thereto;

(I) burglary, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5807, and amendments thereto;

(J) aggravated burglary, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5807, and amendments thereto;

(K) arson, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5812, and amendments thereto;

(L) aggravated arson, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5812, and amendments thereto;

(M) treason, as defined in K.S.A. 2012 Supp. 21-5901, and amendments thereto;

(N) any felony offense as provided in K.S.A. 2012 Supp. 21-5703, 21-5705 or 21-5706, and amendments thereto;

(O) any felony offense as provided in subsection (a) or (b) of K.S.A. 2012 Supp. 21-6308, and amendments thereto;

(P) endangering the food supply, as defined in subsection (a) of K.S.A. 2012 Supp. 21-6317, and amendments thereto;

(Q) aggravated endangering the food supply, as defined in subsection (b) of K.S.A. 2012 Supp. 21-6317, and amendments thereto;

(R) fleeing or attempting to elude a police officer, as defined in subsection (b) of K.S.A. 8-1568, and amendments thereto;

(S) aggravated endangering a child, as defined in subsection (b)(1) of K.S.A. 2012 Supp. 21-5601, and amendments thereto;

(T) abandonment of a child, as defined in subsection (a) of K.S.A. 2012 Supp. 21-5605, and amendments thereto; or

(U) aggravated abandonment of a child, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5605, and amendments thereto; and

(2) any of the following felonies, only when such felony is so distinct from the homicide alleged to be a violation of subsection (a)(2) as to not be an ingredient of the homicide alleged to be a violation of subsection (a)(2):

(A) Murder in the first degree, as defined in subsection (a)(1);

(B) murder in the second degree, as defined in subsection (a)(1) of K.S.A. 2012 Supp. 21-5403, and amendments thereto;

(C) voluntary manslaughter, as defined in subsection (a)(1) of K.S.A. 2012 Supp. 21-5404, and amendments thereto;

(D) aggravated assault, as defined in subsection (b) of K.S.A. 2012 Supp. 21-5412, and amendments thereto;

(E) aggravated assault of a law enforcement officer, as defined in subsection (d) of K.S.A. 2012 Supp. 21-5412, and amendments thereto;

(F) aggravated battery, as defined in subsection (b)(1) of K.S.A. 2012 Supp. 21-5413, and amendments thereto; or

(G) aggravated battery against a law enforcement officer, as defined in subsection (d) of K.S.A. 2012 Supp. 21-5413, and amendments thereto.

(d) Murder in the first degree as defined in subsection (a)(2) is an alternative method of proving murder in the first degree and is not a separate crime from murder in the first degree as defined in subsection (a)(1). The provisions of K.S.A. 21-5109, and amendments thereto, are not applicable to murder in the first degree as defined in subsection (a)(2). Murder in the first degree as defined in subsection (a)(2) is not a lesser included offense of murder in the first degree as defined in subsection (a)(1), and is not a lesser included offense of capital murder as defined in K.S.A. 21-5401, and amendments thereto. As set forth in subsection (b) of K.S.A. 21-5109, and amendments thereto, there are no lesser included offenses of murder in the first degree under subsection (a)(2).

(e) The amendments to this section by this act establish a procedural rule for the conduct of criminal prosecutions and shall be construed and applied retroactively to all cases currently pending."

And by renumbering sections accordingly;

On page 4, in line 19, before "K.S.A." by inserting "K.S.A. 21-2512 and"; also in line 19, following "Supp." by inserting "21-5402,";

On page 1, in the title, in line 2, by striking "relating to"; also in line 2, following the last semicolon by inserting "DNA evidence; felony murder; capital murder;"; in line 3, following "amending" by inserting "K.S.A. 21-2512 and"; also in line 3, following "Supp." by inserting "21-5402,";

And your committee on conference recommends the adoption of this report.

JEFF KING
 GREG SMITH
 DAVID HALEY

Conferees on part of Senate

JOHN RUBIN
 RAMON GONZALEZ
 GAIL FINNEY

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **S Sub for HB 2093**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2115** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 2, following line 27, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 75-6210 is hereby amended to read as follows: 75-6210. (a) Upon completion of a setoff transaction, the director shall transfer the net proceeds collected to the account or fund of the state agency, foreign state agency or municipality to which the debt was owed.

(b)(1) From the gross proceeds collected by the director through setoff, the director shall retain a reasonable collection assistance fee in an amount based on cost, as determined by generally accepted cost allocation techniques, except that in the case of transactions for collection of debts arising from the employment security law such fee shall not exceed \$300 for any transaction.

(2) The director shall retain a reasonable collection assistance fee from the gross proceeds of collections through setoff on behalf of a municipality as specified in an agreement entered into pursuant to K.S.A. 75-6204, and amendments thereto, or foreign state agency in such amount as specified in the reciprocal agreement entered into pursuant to K.S.A. 75-6215, and amendments thereto.

(3) The collection assistance fee shall be paid as an additional cost for all debts owed to the court when the court utilizes debt setoff procedures pursuant to K.S.A. 75-6202 et seq., and amendments thereto. The collection assistance fee shall be retained from the amount collected, but shall not be deducted from the debts owed to the court.

(4) The director may credit a portion of the collection assistance fee to the appropriate account or fund of any other state agency that has incurred expenses in

assisting in the collection of the debt.

(5) The amount of the collection assistance fee retained by the director shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the accounting services recovery fund.

(c) Upon receipt by the state agency, foreign state agency or municipality of the net proceeds collected, the state agency, foreign state agency or municipality shall credit the debtor's obligation in the amount of the gross proceeds collected.

(d) Except as otherwise prescribed by the director or the secretary of administration, any state agency, foreign state agency or municipality which receives any payment from a debtor after notification to the debtor under K.S.A. 75-6206, and amendments thereto, other than payments collected pursuant to K.S.A. 44-718, and amendments thereto, or collected through the federal government or judicial process, shall remit the collection assistance fee imposed under subsection (b) to the director which shall be credited to the accounting services recovery fund. If a state agency fails to remit the collection assistance fee as required by this subsection, the director may transfer an amount equal to such collection assistance fee from the appropriate account or fund of the state agency to the accounting services recovery fund. If a foreign state agency or municipality fails to remit the collection assistance fee as required by this subsection, the director may seek collection of such fee in such manner as may be allowed by law.

(e) In cases involving the collection of debts arising from the employment security law, the entire amount collected shall be credited to the employment security fund and the collection assistance fee shall be transferred from the special employment security fund to the accounting services recovery fund.";

And by renumbering sections accordingly;

Also on page 2, in line 28, by striking "is" and inserting "and K.S.A. 2012 Supp. 75-6210 are";

On page 1, in the title, in line 1, by striking "judges and justices" and inserting "courts"; in line 2, by striking "retirants" and inserting "judges and justices"; also in line 2, after the semicolon, by inserting "court debt setoff procedures,"; also in line 2, after "20-2622" by inserting "and K.S.A. 2012 Supp. 75-6210"; also in line 2, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

JEFF KING
GREGORY SMITH
DAVID HALEY

Conferees on part of Senate

LANCE KINZER
ROB BRUCHMAN
JANIS PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2115**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 1; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Tyson.

Present and Passing: Francisco.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2120** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 9, following line 24, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 21-6805 is hereby amended to read as follows: 21-6805. (a) The provisions of this section shall be applicable to the sentencing guidelines grid for drug crimes. The following sentencing guidelines grid for drug crimes shall be applicable to felony crimes under K.S.A. 2012 Supp. 21-5701 through 21-5717, and amendments thereto, except as otherwise provided by law:

SENTENCING RANGE - DRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level I	3 + Person Felony	2 Person Felony	1 Person, 1 Nonperson Felony	1 Person Felony	3 + Nonperson Felony	2 Nonperson Felony	1 Nonperson Felony	2+ Misdemeanor	1 Misdemeanor No Record
I	204 194 185	196 186 176	187 178 169	179 170 161	170 162 154	167 158 150	162 154 146	161 150 142	154 146 138
II	144	137 130	130 123	124 117	116 111	113 108	110 104	108 100	103 98
III	83 78 74	77 73 68	72 68 65	68 64 60	62 58 55	59 56 52	57 54 51	54 51 49	51 49 46
IV	51 49 46	47 44 41	42 40 37	38 34 32	32 30 28	30 28 26	28 26 24	26 24 22	24 22 20
V	42 40 37	36 34 32	32 30 28	28 26 24	22 20 18	18 17 16	16 15 14	14 13 12	12 11 10

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) Sentences expressed in the sentencing guidelines grid for drug crimes in subsection (a) represent months of imprisonment.

(c) (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. The sentencing court shall not distinguish between the controlled substances cocaine base (9041L000) and cocaine hydrochloride (9041L005) when sentencing within the sentencing range of the grid block.

(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 prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(d) 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 4-E, 4-F, 4-G, 4-H, 4-I, 5-C or 5-D, the court may impose an optional nonprison sentence as provided in subsection (q) of K.S.A. 2012 Supp. 21-6804, and amendments thereto.

(e) The sentence for a second or subsequent conviction of K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2012 Supp. 21-5703, and amendments thereto, manufacture of any controlled substance or controlled substance analog, shall be a presumptive term of imprisonment of two times the maximum duration of the presumptive term of imprisonment. The court may impose an optional reduction in such sentence of not to exceed 50% of the mandatory increase provided by this subsection upon making a finding on the record that one or more of the mitigating factors as specified in K.S.A. 2012 Supp. 21-6815, and amendments thereto, justify such a reduction in sentence. Any decision made by the court regarding the reduction in such sentence shall not be considered a departure and shall not be subject to appeal.

(f) (1) The sentence for a third or subsequent felony conviction of K.S.A. 65-4160 or 65-4162, prior to their repeal, K.S.A. 2010 Supp. 21-36a06, prior to its transfer, or K.S.A. 2012 Supp. 21-5706, and amendments thereto, shall be a presumptive term of imprisonment and the defendant shall be sentenced to prison as provided by this section. The defendant's term of imprisonment shall be served in the custody of the secretary of corrections in a facility designated by the secretary. Subject to appropriations therefore, the defendant shall participate in an intensive substance abuse treatment program, of at least four months duration, selected by the secretary of corrections. If the secretary determines that substance abuse treatment resources are otherwise available, such term of imprisonment may be served in a facility designated

by the secretary of corrections in the custody of the secretary of corrections to participate in an intensive substance abuse treatment program. The secretary's determination regarding the availability of treatment resources shall not be subject to review. 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. If the offender's term of imprisonment expires, the offender shall be placed under the applicable period of postrelease supervision.

(2) Such defendant's term of imprisonment shall not be subject to modification under paragraph (1) if:

(A) The defendant has previously completed a certified drug abuse treatment program, as provided in K.S.A. 2012 Supp. 75-52,144, and amendments thereto;

(B) has been discharged or refused to participate in a certified drug abuse treatment program, as provided in K.S.A. 2012 Supp. 75-52,144, and amendments thereto;

(C) has completed an intensive substance abuse treatment program under paragraph (1); or

(D) has been discharged or refused to participate in an intensive substance abuse treatment program under paragraph (1).

The sentence under this subsection shall not be considered a departure and shall not be subject to appeal.

(g) (1) Except as provided further, if the trier of fact makes a finding that an offender carried possessed a firearm to commit a drug felony and such firearm was readily accessible during the commission of, or in furtherance of, a drug felony a felony violation of any provision of article 57 of chapter 21, and amendments thereto, possessed a firearm, or any attempt to commit such offense, in addition to the sentence imposed pursuant to K.S.A. 2012 Supp. 21-6801 through 21-6824, and amendments thereto, the offender shall be sentenced to:

(A) Except as provided in subsection (g)(1)(B), an additional 6 months' imprisonment; and

(B) if the trier of fact makes a finding that the firearm was discharged, an additional 18 months' imprisonment.

(2) The sentence imposed pursuant to subsection (g)(1) shall be presumptive imprisonment. Such sentence shall not be considered a departure and shall not be subject to appeal.

(3) The provisions of this subsection shall not apply to violations of K.S.A. 2012 Supp. 21-5706 or 21-5713, and amendments thereto.

Sec. 4. K.S.A. 2012 Supp. 21-5107, as amended by section 1 of 2013 House Bill No. 2252, is hereby amended to read as follows: 21-5107. (a) A prosecution for rape, aggravated criminal sodomy, murder, terrorism or illegal use of weapons of mass destruction may be commenced at any time.

(b) Except as provided in subsection (e), a prosecution for any crime shall be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(c) Except as provided in subsection (e), a prosecution for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto:

(1) When the victim is 18 years of age or older shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively

established by DNA testing, whichever is later; or

(2) when the victim is under 18 years of age shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(d) Except as provided by subsection (e), a prosecution for any crime, as defined in K.S.A. 2012 Supp. 21-5102, and amendments thereto, not governed by subsection (a), (b) or (c) shall be commenced within five years after it is committed.

(e) The period within which a prosecution shall be commenced shall not include any period in which:

- (1) The accused is absent from the state;
- (2) the accused is concealed within the state so that process cannot be served upon the accused;
- (3) the fact of the crime is concealed;
- (4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present:

- (A) The victim was a child under 15 years of age at the time of the crime;
- (B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime;
- (C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and

(D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in subsection (e)(6) later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

(h) As used in this section, "parent or other legal authority" shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.";

And by renumbering sections accordingly;

Also on page 9, in line 25, by striking "and 21-6403" and inserting ", 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 21-6403 and 21-6805";

On page 1, in the title, in line 2, before "amending" by inserting "relating to DNA evidence; relating to statute of limitations; relating to possession of a firearm during a drug felony"; in line 3, by "and 21-6403" and inserting ", 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 21-6403 and 21-6805";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

GAIL FINNEY

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2120**.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2201** 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 20, by striking "January"; also in line 20, by striking "16, 2015" and inserting "December 31, 2014";

On page 29, in line 15, by striking ", except that the total KUSF distributions"; by striking all in lines 16 through 20; in line 21, by striking "majeure or natural disaster as determined by the commission"; in line 33, after "carrier" by inserting ", except that such limitation on KUSF support shall not preclude recovery of reductions in intrastate access revenue pursuant to subsection (c) of K.S.A. 66-2005, and amendments thereto"; following line 33, by inserting:

"(3) Notwithstanding any other provision of law, the total KUSF distributions made to all local exchange carriers operating under traditional rate of return regulation pursuant to subsection (b) of K.S.A. 66-2005, and amendments thereto, shall not exceed

an annual \$30,000,000 cap. A waiver of the cap shall be granted based on a demonstration by a carrier that such carrier would experience significant hardship due to force majeure or natural disaster as determined by the commission.";

And your committee on conference recommends the adoption of this report.

PAT APPLE
FORREST KNOX
MARCI FRANCISCO

Conferees on part of Senate

JOE SEIWERT
RANDY GARBER
ANNIE KEUTHER

Conferees on part of House

Senator Apple moved the Senate adopt the Conference Committee Report on **HB 2201**.

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Francisco, Holland, Tyson.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2218** 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 41, following line 36, by inserting:

"Sec. 9. K.S.A. 2012 Supp. 21-6804 is hereby amended to read as follows: 21-6804. (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 Severity Level	A 3+ Person Felonies	B 2 Person Felonies	C 1 Person & 1 Nonperson Felonies	D 1 Person Felony	E 3+ Nonperson Felonies	F 2 Nonperson Felonies	G 1 Nonperson Felony	H 2+ Misdemeanors	I 1 Misdemeanor No Record
I	653 620 592	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	26 24 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	6 5 5

LEGEND
Presumptive Probation
Presumptive Imprisonment
Not Set
Not Set
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 K.S.A. 2012 Supp. 21-5412, 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. 2012 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, subsection (b)(3) of K.S.A. 2012 Supp. 21-5414, subsections (b)(3) and (b)(4) of K.S.A. 2012 Supp. 21-5823, K.S.A. 2012 Supp. 21-6412 and K.S.A. 2012 Supp. 21-6416, 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 K.S.A. 2012 Supp. 21-6807, 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 K.S.A. 2012 Supp. 21-6807, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 2012 Supp. 21-5823, 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. 2012 Supp. 8-1025, K.S.A. 8-2,144, K.S.A. 8-1567, subsection (b)(3) of K.S.A. 2012 Supp. 21-5414, subsections (b)(3) and (b)(4) of K.S.A. 2012 Supp. 21-5823, K.S.A. 2012 Supp. 21-6412 and K.S.A. 2012 Supp. 21-6416, 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. 2012 Supp. 8-1025 or K.S.A. 8-2,144 or 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 K.S.A. 2012 Supp. 21-6609, 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 K.S.A. 2012 Supp. 21-5503, 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 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any 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 article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, 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 K.S.A. 2012 Supp. 21-5807, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2012 Supp. 21-5301 and 21-5302, 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 K.S.A. 2012 Supp. 21-5807, or subsection (b) of K.S.A. 2012 Supp. 21-5807, 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 K.S.A. 2012 Supp. 21-5913, 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 K.S.A. 2012 Supp. 21-5803, 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 K.S.A. 2012 Supp. 21-5803, 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 K.S.A. 2012 Supp. 21-5801, and amendments thereto, or burglary as defined in subsection (a) of K.S.A. 2012 Supp. 21-5807, 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 K.S.A. 2012 Supp. 21-5801, and amendments thereto, or burglary as defined in subsection (a) of K.S.A. 2012 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of theft of property as defined in K.S.A. 2012 Supp. 21-5801, 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 K.S.A. 2012 Supp. 21-5801, and amendments thereto, or burglary or aggravated

burglary as defined in K.S.A. 2012 Supp. 21-5807, and amendments thereto; or the sentence for a felony violation of burglary as defined in subsection (a) of K.S.A. 2012 Supp. 21-5807, 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 K.S.A. 2012 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2012 Supp. 21-5807, 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 K.S.A. 2012 Supp. 21-6824, 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 K.S.A. 2012 Supp. 21-5801, 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 K.S.A. 2012 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2012 Supp. 21-5807, and amendments thereto; or the sentence for a violation of burglary as defined in subsection (a) of K.S.A. 2012 Supp. 21-5807, 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 K.S.A. 2012 Supp. 21-5801, and amendments thereto, or burglary or aggravated burglary as defined in K.S.A. 2012 Supp. 21-5807, 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 K.S.A. 2012 Supp. 21-5413, 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 K.S.A. 2012 Supp. 21-5512, 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 K.S.A. 2012 Supp. 21-6107, and amendments thereto, or any attempt or conspiracy, as defined in K.S.A. 2012 Supp. 21-5301 and 21-5302, 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 K.S.A. 2012 Supp. 21-6107, 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.

Sec. 10. On and after January 1, 2014, K.S.A. 32-1130 is hereby amended to read as follows: 32-1130. As used in K.S.A. 32-1131 through 32-1136, and amendments thereto:

(a) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.

(b) "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 vessel; and (2) readings obtained from a partial alcohol concentration test on a breath testing machine.

(c) "Samples" includes breath supplied directly for testing, which breath is not preserved.

(d) "Vessel" and "operate" have the meanings provided by K.S.A. 32-1102, and amendments thereto.

Sec. 11. On and after January 1, 2014, K.S.A. 32-1131 is hereby amended to read as follows: 32-1131. (a) No person shall operate or attempt to operate any vessel 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 (b) of K.S.A. 32-1130, and amendments thereto, is .08 or more:

~~(1)~~ (2) the alcohol concentration in the person's blood or breath, at the time or within ~~two~~ three hours after the person operated or attempted to operate the vessel, is .08 or more;

~~(2)~~ (3) the alcohol concentration in the person's blood or breath, at the time or within ~~two~~ three hours after the person operated or attempted to operate the vessel is .02 or more and the person is less than 21 years of age;

~~(3)~~ (4) under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel;

~~(4)~~ (5) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or

~~(5)~~ (6) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.

~~(b) No person shall operate or attempt to operate any vessel within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.~~

~~(e)~~ (b) 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.

~~(4)~~ (c) No person shall operate or attempt to operate any vessel within this state for three months after the date of refusal of submitting to a test if such person refuses to submit to a test pursuant to K.S.A. 32-1132, and amendments thereto.

~~(e)~~ (d) Except as provided by subsection ~~(f)~~ (e), violation of this section is a misdemeanor punishable:

(1) On the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and

(2) on the second or a subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine of not less than \$100 nor more than \$500.

~~(f)~~ (e) Subsection ~~(e)~~ (d) shall not apply to or affect a person less than 21 years of age who submits to a breath or blood alcohol test requested pursuant to K.S.A. 32-1132, and amendments thereto, and produces a test result of an alcohol concentration of .02 or greater but less than .08. Such person's boating privileges upon the first occurrence shall be suspended for 30 days and upon a second or subsequent occurrence shall be suspended for 90 days.

(g) (f) In addition to any other penalties prescribed by law or rule and regulation, any person convicted of a violation of this section shall be required to satisfactorily complete a boater safety education course of instruction approved by the secretary before such person subsequently operates or attempts to operate any vessel.";

And by redesignating sections accordingly;

Also on page 41, in line 38, by striking "and" and inserting a comma; also in line 38, after "21-5413" by inserting "and 21-6804";

Also on page 41, following line 38, by inserting:

"Sec. 13. On and after January 1, 2014, K.S.A. 32-1130 and 32-1131 are hereby repealed.";

On page 1, in the title, in line 1, by striking the first "driving" and inserting "prohibited activities while under the influence of alcohol or drugs"; in line 2, after "drugs;" by inserting "boating under the influence of alcohol or drugs;"; in line 3, after "8-1567a" by inserting ", 32-1130 and 32-1131"; in line 4, by striking the "and" and inserting a comma; in line 5, after "21-5413" by inserting "and 21-6804";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

JOHN RUBIN

RAMON GONZALEZ

GAIL FINNEY

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2218**.

On roll call, the vote was: Yeas 39; Nays 1; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Haley.

The Conference Committee Report was adopted.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

Senator Smith moved the Senate concur in House amendments to **SB 88**.

SB 88, AN ACT concerning crimes, punishment and criminal procedure; relating to certain defendants; children's advocacy center assessment fee; amending K.S.A. 20-370 and repealing the existing section.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson,

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Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Haley, Pettey.

Present and Passing: Hawk.

The Senate concurred.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Friday, April 5, 2013.

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 5, 2013, 9:00 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-nine senators present.
Senator McGinn was excused.
Invocation by Senator Steve Abrams:

The Lord's Prayer was sung by Senator Abrams.

The Pledge of Allegiance was led by Vice President Jeff King.

MESSAGE FROM THE GOVERNOR

SB 21, SB 24, SB 25, SB 58, SB 68, SB 75, SB 113, SB 118, SB 135, SB 139, SB 166 approved on April 5, 2013.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Ostmeyer introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1743—

A RESOLUTION congratulating the Hoxie High School women's basketball team on its class 1A state championship.

WHEREAS, The Hoxie High School women's basketball team won the 2013 Kansas State High School Activities Association class 1A state championship with a victory over Olpe High School; and

WHEREAS, This is the Hoxie High School women's basketball team's second consecutive class 1A state championship title. Last year, Hoxie defeated the St. John High School women's basketball team. This season the Hoxie team had a remarkable 26-0 record; and

WHEREAS, The Olpe Eagles kept up with the Hoxie Indians until Hoxie went on a 22-10 point run in the third quarter. Hoxie scored all five of its three point shots in the third quarter. Olpe High School, however, came back in the fourth quarter making the score 67-63 in favor of Hoxie with 19 seconds left in the game. Hoxie ended up keeping the lead, winning the game 68-63; and

WHEREAS, Shelly Hoyt is the head basketball coach for the Hoxie High women's basketball team. When asked about her team she said, "As a team we really don't talk about winning streaks and state titles. We really focus on teaching the girls, helping them grow. But this is pretty amazing, to win another championship." Coach Hoyt is

assisted by Marlin Beougher; and

WHEREAS, The members of the 2013 Hoxie High School women's basketball team were Danel Stithem, Ellie Heim, Marlee McKenna, Sarah Farber, Kristina Farber, Gabriel Spresser, Natasha Allmer, Kelsey Kelch, Carly Heim, Lexi Schamberger, Terran Hoyt, Scout Washington, Tabiatha King and Kelsey Geerdes. The team managers were Quinlan Stein, Brynn Niblock, Erin Carter, Amber Erwin and Nicole Heim: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Hoxie High School women's basketball team on its consecutive state championship titles. These young women have worked hard throughout the season, and these state titles are testaments to that hard work; and

Be it further resolved: That the Secretary of the Senate be directed to provide one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1743** was adopted unanimously.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SB 171** 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.

On motion of Senator Abrams the Senate adopted the conference committee report on **SB 171**, and requested a new conference be appointed.

The Vice President appointed Senators Abrams, Arpke and Hensley as second conferees on the part of the Senate.

MESSAGES FROM THE HOUSE

The House adopts the Conference Committee report on **SB 124**.

The House adopts the Conference Committee report on **SB 129**.

The House adopts the Conference Committee report on **SB 187**.

The House adopts the Conference Committee report to agree to disagree on **SB 171**, and has appointed Representatives Cassidy, Grosserode and Winn as second conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2078**.

The House adopts the Conference Committee report on **HB 2109**.

The House adopts the Conference Committee report on **HB 2201**.

The House adopts the Conference Committee report on **HB 2319**.

The House adopts the Conference Committee report on **HB 2363**.

The House adopts the Conference Committee report to agree to disagree on **HB 2234**, and has appointed Representatives Proehl, Ryckman Sr. and Perry as second conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2107**.

The House adopts the Conference Committee report on **HB 2025**.

The House adopts the Conference Committee report on **S Sub for HB 2034**.

The House adopts the Conference Committee report on **HB 2164**.

The House adopts the Conference Committee report on **SB 122**.

The House adopts the Conference Committee report on **SB 171**.

The conference committee report on **S Sub HB 2199** was ruled out of order under Joint Rule 3(f).

The House adopts the Conference Committee report on **Sub HB 2017**.

The House adopts the Conference Committee report on **S Sub for HB 2093**.

The House adopts the Conference Committee report on **HB 2339**.

The House concurs in Senate amendments to **HB 2069**, and requests return of the bill.

The House concurs in Senate amendments to **HB 2349**, and requests return of the bill.

The House adopts the Conference Committee report on **SB 199**.

Motion to concur on Senate amendments to **HB 2059** failed, bill remains in conference.

The House adopts the Conference Committee report on **SB 102**.

The House adopts the Conference Committee report on **SB 23**.

REPORT ON ENROLLED BILLS

SR 1743, SR 1752, SR 1753, SR 1754 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 5, 2013.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 57** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, following line 35, by inserting:

"Sec. 4. K.S.A. 2012 Supp. 47-619 is hereby amended to read as follows: 47-619. ~~When requested by the animal health commissioner, the owner or owners of any stockyards doing business in this state shall keep constantly in their employ a competent inspector of livestock appointed by the commissioner whose compensation shall be fixed and duties prescribed by the animal health commissioner. The animal health commissioner shall prescribe that portion of the compensation which shall be paid by the owner or owners of the stockyards.~~ It shall be the duty of such inspector the animal health commissioner or the commissioner's designee to work in conjunction with the United States government authorities to prohibit and prevent any stock affected with any contagious or infectious disease to be driven or shipped out of any such stockyards except to some licensed rendering establishment.";

On page 3, in line 4, by striking "except as"; by striking all in lines 5 through 11 and inserting the following:

"unless the commissioner has:

(A) Discovered a violation of article 21 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto; or

(B) received a complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations adopted pursuant to this section.";

Also on page 3, in line 12, by striking "(3)" and inserting "(2)"; in line 18, by striking "(2)";

And by renumbering sections accordingly;

Also on page 3, in line 34, before "47-650" by inserting "47-619";
 On page 1, in line 2, after the first semicolon by inserting "duties of the animal health commissioner;" also in line 2, following "2-907" by inserting ", 47-619";
 And your committee on conference recommends the adoption of this report.

SHARON SCHWARTZ
 KYLE HOFFMAN
 PONKE-WE VICTORS
Conferees on part of House

GARRETT LOVE
 DAN KERSCHEN
 MARCI FRANCISCO
Conferees on part of Senate

Senator Love moved the Senate adopt the Conference Committee Report on **Sub SB 57**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 96** 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 introduced, as follows:

On page 1, in line 14, after "fee" by inserting "as follows: (1)"; in line 18, after "treasurer" by inserting "; and (2) in an amount not to exceed \$2.50 per vehicle registration or renewal thereof for registration, when such application is made at a registration facility in a county with a single vehicle registration facility as established by the county treasurer";

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL
 RON RYCKMAN, SR.
 EMILY PERRY
Conferees on part of House

MIKE PETERSEN
 KAY WOLF
 PAT PETTEY
Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 96**.

On roll call, the vote was: Yeas 36; Nays 3; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Knox, Pilcher-Cook, Pyle.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 164** 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 9 through 32; by striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 29 and inserting:

"(a) "All-terrain vehicle" means any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires, having a seat designed to be straddled by the operator. As used in this subsection, nonhighway tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 14 inches or less.

(b) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(c) "Contractor" means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the department to provide services associated with vehicle functions.

(d) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(e) "Division" means the division of vehicles of the department of revenue.

(f) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(g) "Electric vehicle" means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

(1) Residential electric service;

(2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station.

(h) "Electronic certificate of title" means any electronic record of ownership.

including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2012 Supp. 8-135d, and amendments thereto.

(i) "Electronic notice of security interest" means the division's online internet program which enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

(j) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(k) "Farm trailer" means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

(l) "Foreign vehicle" means every motor vehicle, trailer, or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Golf cart" means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

(n) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(o) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

(1) A farm tractor;

(2) a self-propelled farm implement;

(3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;

(4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;

(5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(p) "Lien" means a security interest as defined in this section.

(q) "Lightweight roadable vehicle" means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

(r) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(s) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle or recreational off-highway

vehicle.

(t) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(u) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as defined in this section.

(v) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

(1) A motor which produces not more than 3.5 brake horsepower;

(2) a cylinder capacity of not more than 130 cubic centimeters;

(3) an automatic transmission; and

(4) the capability of a maximum design speed of no more than 30 miles per hour.

(w) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

(x) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(y) "Nonresident" means every person who is not a resident of this state.

(z) "Notice of security interest" means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle which has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

(aa) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(bb) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(cc) "Passenger vehicle" means every motor vehicle, as defined in this section, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(dd) "Person" means every natural person, firm, partnership, association or corporation.

(ee) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(ff) "Recreational off-highway vehicle" means any motor vehicle 64 inches or less in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires, having a nonstraddle seat and steering wheel for steering control.

(gg) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(hh) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(ii) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(jj) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(kk) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(ll) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(mm) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(nn) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(oo) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers or vehicles.

(pp) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(qq) "Vehicle functions" means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title, driver's licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. "Vehicle functions" may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

(rr) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135

inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck or recreational off-highway vehicle."

On page 7, following line 13, by inserting:

"Sec. 3. K.S.A. 8-1436 is hereby amended to read as follows: 8-1436. "Motor home" means every motor vehicle designed, ~~used or maintained primarily as a mobile dwelling, office or commercial space~~ to provide temporary living quarters for recreational, camping or travel use.

Sec. 4. K.S.A. 40-298 is hereby amended to read as follows: 40-298. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Automobile dealer" means a new vehicle dealer or a used vehicle dealer as defined by K.S.A. ~~8-178~~ 8-126, and amendments thereto;

(b) "Automobile" means a passenger vehicle as defined by ~~subsection (x) of K.S.A. 8-126,~~ and amendments thereto;

(c) "Dealer" means any automobile dealer or lending agency;

(d) "Lending agency" means any person engaged in the business of financing or lending money to any person to be used in the purchase or financing of a motor vehicle; and

(e) "Person" means any individual, partnership, corporation or other association of persons.

Sec. 5. K.S.A. 2012 Supp. 44-1204 is hereby amended to read as follows: 44-1204.

(a) On and after January 1, 1978, no employer shall employ any employee for a workweek longer than ~~forty-six (46)~~ 46 hours, unless such employee receives compensation for employment in excess of ~~forty-six (46)~~ 46 hours in a workweek at a rate of not less than ~~one and one-half (1½)~~ 1½ times the hourly wage rate at which such employee is regularly employed.

(b) No employer shall be deemed to have violated subsection (a) with respect to the employment of any employee who is covered by this section, who is engaged in the public or private delivery of emergency medical services as an attendant as defined by K.S.A. 65-6112, and amendments thereto, or who is engaged in fire protection or law enforcement activities, including any member of the security personnel in any correctional institution, and who is paid compensation at a rate of not less than $1\frac{1}{2}$ times the regular rate at which such employee is employed:

(1) In any work period of 28 consecutive days in which such employee works for tours of duty which in the aggregate exceed 258 hours; or

(2) in the case of any such employee to whom a work period of at least seven but less than 28 days applies, in any such work period in which such employee works for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in such work period as 258 hours bears to 28 days.

(c) The provisions of this section shall not apply to the employment of:

(1) Any employee who is covered under the provisions of section 7 of the fair labor standards act of 1938 as amended (~~29 U.S.C.A. § 207~~), and as amended by the fair labor standards amendments of 1974, and ~~any other acts amendatory thereof or~~

~~supplemental amendments~~ thereto; or

(2) any employee who is primarily engaged in selling motor vehicles, as defined in ~~subsection (b) of K.S.A. 8-126, and amendments thereto,~~ for a nonmanufacturing employer primarily engaged in the business of selling such vehicles to ultimate purchasers;

(3) any person who is sentenced to the custody of the secretary of corrections and any person serving a sentence in a county jail.

(d) For the purposes of this section, the agreement or practice by employees engaged in fire protection or law enforcement activities of substituting for one another on regularly scheduled tours of duty, or a part thereof, shall be deemed to have no effect on hours of work if:

(1) The substituting is done voluntarily by the employees and not at the behest of the employer;

(2) the reason for substituting is due not to the employer's business practice but to the employee's desire or need to attend to a personal matter;

(3) a record is maintained by the employer of all time substituted by the employer's employees; and

(4) the period during which time is substituted and paid back does not exceed 12 months.

Sec. 6. K.S.A. 59-3508 is hereby amended to read as follows: 59-3508. A motor vehicle, as defined by ~~subsection (b) of K.S.A. 8-126, and amendments thereto,~~ may be titled in transfer-on-death, TOD, form by including in the certificate of title a designation of a beneficiary or beneficiaries to whom the motor vehicle shall be transferred on death of the owner or the last survivor of the joint tenant with right of survivorship owners, subject to the rights of all lien holders.";

And by renumbering remaining sections accordingly;

Also on page 7, in line 14, following "K.S.A." by inserting "8-1436, 40-298 and 59-3508 and K.S.A."; also in line 14, by striking "and" and inserting a comma; also in line 14, following "8-129" by inserting "and 44-1204";

On page 1, in the title, in line 1, by striking "the" and inserting "definitions:"; in line 2, following "K.S.A" by inserting "8-1436, 40-298 and 59-3508 and K.S.A."; also in line 2, by striking "and" and inserting a comma; in line 3, following "129" by inserting "and 44-1204";

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL

RON RYCKMAN, SR.

EMILY PERRY

Conferees on part of House

MIKE PETERSEN

KAY WOLF

PAT PETTEY

Conferees on part of Senate

Senator Petersen moved the Senate adopt the Conference Committee Report on **SB 164**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 168** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 43, by striking the colon;

On page 3, in line 1, by striking "(1) Wholesale"; in line 2, by striking "; or"; by striking all in line 3; in line 4, by striking all before the period;

And your committee on conference recommends the adoption of this report.

SHARON SCHWARTZ

KYLE HOFFMAN

PONKE-WE VICTORS

Conferees on part of House

GARRETT LOVE

DAN KERSCHEN

MARCI FRANCISCO

Conferees on part of Senate

Senator Love moved the Senate adopt the Conference Committee Report on **SB 168**.

On roll call, the vote was: Yeas 34; Nays 5; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Hawk, Hensley, Holland, Kelly.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2164** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 5, before "Section" by inserting "New"; in line 9, by striking "regarding citizenship"; in line 10, by striking all before "to"; in line 13, after the period, by inserting "Any such information provided by a jury commissioner to the secretary of state shall be limited to the information regarding citizenship and the full name, current and prior addresses, age and telephone number of the prospective juror, and, if available, the date of birth of the prospective juror."; in line 15, by striking "and the"; by striking all in line 16; in line 17, by striking all before the period; following line 19, by inserting:

"Sec. 2. K.S.A. 2012 Supp. 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~~ consider any alleged felony law violation. The attorney general in any judicial district may petition the chief judge or the chief judge's designee in such judicial district to order a grand jury to be summoned in the designated county in the district to consider any alleged felony law violation if authorized by the district or county attorney in such judicial district or if jurisdiction is otherwise authorized by law. 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 within 15 days after receipt of such petition.

(c) (1) 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.

(2) The petition, upon its face, shall state the name, address and phone number of the person filing the petition, the subject matter of the prospective grand jury, a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment.

(3) The petition shall be in substantially the following form:

The designated 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.

(4) After a grand jury is summoned pursuant to this subsection, but before it begins deliberations, the judge or judges of the district court of the county in which the petition is presented shall provide instructions to the grand jury regarding its conduct and deliberations, which instructions shall include, but not be limited to, the following:

(A) You have been impaneled as a grand jury pursuant to a citizens' petition filed in this court, signed by (insert number) qualified electors of this county, stating (insert the subject matter described in the petition, including a reasonably specific identification of the areas to be inquired into and the allegations sufficient to warrant a finding that the grand jury's inquiry may lead to information which, if true, would warrant a true bill of indictment.) You are charged with making inquiry with regard to this subject matter and determining whether the facts support allegations warranting a true bill of indictment.

(B) The person filing the citizens' petition filed in this court must be the first witness you call for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.

(C) You may, with the approval of this court, employ special counsel and investigators, and incur such other expense for services and supplies as you and this court deem necessary. Any special counsel or investigator you employ shall be selected by a majority vote of your grand jury. You may make such selection only after hearing testimony from the person who filed the citizens' petition. You may utilize the services of any special counsel or investigator you employ instead of, or in addition to, the services of the prosecuting attorney.

(D) If any witness duly summoned to appear and testify before you fails or refuses to obey, compulsory process will be issued by this court to enforce the witness' attendance.

(E) If any witness appearing before you refuses to testify or to answer any questions asked in the course of the witness' examination, you shall communicate that fact to this court in writing, together with a statement regarding the question the witness refuses to answer. This court will determine and inform you of whether the witness is bound to answer or not. However, no witness appearing before you can be compelled to make any statement which will incriminate such witness.

(F) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.

(G) At the conclusion of your inquiry and determination, you will return either a no

bill of indictment or a true bill of indictment.

(d) The grand jury shall consist of 15 members and shall be drawn, qualified 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. 3. K.S.A. 22-3002 is hereby amended to read as follows: 22-3002. ~~(+)(a)~~ The prosecuting attorney may challenge the array of jurors on the ground that the grand jury was not selected, drawn or summoned in accordance with law, and may challenge an individual juror on the ground that the juror is not legally qualified. Challenges by the state shall be made before the administration of the oath to the jurors and shall be tried by the court.

~~(2)(b)~~ A motion to dismiss the indictment made by the defendant may be based on objections to the array or on the lack of legal qualification of an individual juror. An indictment shall not be dismissed on the ground that one or more members of the grand jury were not legally qualified if it appears from the record kept pursuant to K.S.A. 22-3004, and amendments thereto, that 12 or more jurors, after deducting the jurors not legally qualified, concurred in finding the indictment.

(c) After the prosecutor has conducted an examination of the prospective grand jurors under this section, a list of all remaining legally qualified grand jurors shall be approved by the court and submitted to the clerk of the court of such county for a second drawing of grand juror names pursuant to K.S.A. 43-107, and amendments thereto.

Sec. 4. K.S.A. 22-3003 is hereby amended to read as follows: 22-3003. (a) An oath or affirmation shall be administered to the presiding juror of the grand jury, in substance as follows:

"You, as presiding juror of the grand jury, shall diligently inquire, and true presentment make, of all public offenses against the laws of this state cognizable by this court, committed or triable within this county, of which you have or can obtain legal evidence. You shall present no person through malice, hatred or ill will, nor leave any unpresented through fear, favor or affection, or for any reward or the promise of hope thereof, but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding."

(b) Other members of the grand jury shall be administered the following oath:

"The same oath or affirmation, which your presiding juror has taken now before you on the presiding juror's part, you and each of you shall well and truly observe on your part."

Sec. 5. K.S.A. 22-3004 is hereby amended to read as follows: 22-3004. (a) The court shall appoint one of the jurors to be presiding juror and another to be deputy presiding juror.

(b) The presiding juror shall have power to administer oaths and affirmations and shall sign all indictments.

(c) The presiding juror or another juror designated by the presiding juror shall keep a record of the name of each juror concurring in the finding of every indictment and shall file the record with the clerk of the court, but the record shall not be made public except on order of the court.

(d) During the absence of the presiding juror, the deputy presiding juror shall act as

presiding juror.

Sec. 6. K.S.A. 22-3005 is hereby amended to read as follows: 22-3005. ~~(+) (a)~~ When a grand jury is impaneled and sworn, it shall be charged by the judge who summoned it. In so doing, the judge shall give the grand jurors such information as ~~he~~ the judge deems proper and as is required by law, as to their duties, and as to any charges of crimes known to the court and likely to come before the grand jury.

~~(2) (b)~~ When the grand jury has been impaneled, sworn and charged, it shall retire to a private room, and inquire into the crimes cognizable by it.

Sec. 7. K.S.A. 22-3006 is hereby amended to read as follows: 22-3006. ~~(+) (a)~~ Persons summoned for service as grand jurors shall be compensated for their service and expenses at the rates provided by law for the compensation of petit jurors in the district court. Such compensation shall be paid from the general fund of the county.

~~(2) (b)~~ The grand jury shall employ a certified shorthand reporter who shall make a stenographic record of all testimony and other proceedings before the grand jury. The compensation of the reporter shall be fixed by the district court and paid from the general fund of the county.

~~(3) (c)~~ The grand jury may, with the approval of the district court, ~~employ special counsel, investigators, and incur such other expense~~ employ investigators and, except in the case of grand juries impaneled pursuant to subsection (b) of K.S.A. 22-3001, and amendments thereto, employ special counsel. The grand jury may also incur other expenses for services and supplies as it and the ~~district~~ court may deem necessary. Compensation for such services and supplies shall be fixed by the district court and shall be paid from the general fund of the county. Any special counsel or investigator employed by the grand jury shall be selected by majority vote of such grand jury only after hearing testimony from the person filing the petition pursuant to K.S.A. 22-3001, and amendments thereto. Subject to the provisions of this section, the grand jury shall have all authority to investigate any concerns associated with such petition.

Sec. 8. K.S.A. 22-3007 is hereby amended to read as follows: 22-3007. ~~(+) (a)~~ In the case of grand juries impaneled pursuant to subsection (a) or (c) of K.S.A. 22-3001, and amendments thereto, the prosecuting attorney shall:

~~(1) When requested by any grand jury it shall be the duty of the prosecuting attorney to, attend sessions thereof for the purpose of examining witnesses or giving the grand jury advice upon any legal matter; and~~

~~(2) The prosecuting attorney shall, upon his upon such attorney's request, be permitted to appear before the grand jury for the purpose of giving information relative to any matter cognizable by the grand jury, and may be permitted to interrogate witnesses if the grand jury deems it necessary.~~

~~(b) In the case of grand juries impaneled pursuant to subsection (b) of K.S.A. 22-3001, and amendments thereto, the prosecuting attorney shall:~~

~~(1) Attend all sessions thereof and inform the grand jury of all offenses liable to indictment and evidence of which will be presented to them for consideration;~~

~~(2) present witnesses and examine such witnesses on all matters to be considered by the grand jury; and~~

~~(3) give the grand jury advice upon all questions related to the proper discharge of their duties.~~

Sec. 9. K.S.A. 2012 Supp. 22-3008 is hereby amended to read as follows: 22-3008. ~~(+) (a)~~ Whenever required by any grand jury, its presiding juror or the prosecuting

attorney, the clerk of the court in which the jury is impaneled shall issue subpoenas and other process to bring witnesses to testify before the grand jury. The person who filed the petition pursuant to K.S.A. 22-3001, and amendments thereto, shall be the first witness called by the grand jury for the purpose of presenting evidence and testimony as to the subject matter and allegations of the petition.

~~(2)~~ (b) If any witness duly summoned to appear and testify before a grand jury fails or refuses to obey, compulsory process shall be issued to enforce the witness' attendance, and the court may punish the delinquent in the same manner and upon the same proceedings as provided by law for disobedience of a subpoena issued out of the court in other cases.

~~(3)~~ (c) If any witness appearing before a grand jury refuses to testify or to answer any questions asked in the course of the witness' examination, the fact shall be communicated to a district judge of the judicial district in writing, on which the question refused to be answered shall be stated. The judge shall then determine whether the witness is bound to answer or not, and the grand jury shall be immediately informed of the decision.

~~(4)~~ (d) No witness before a grand jury shall be required to incriminate the witness' self.

~~(5)~~ (a) (e) (1) The county or district attorney, or the attorney general, at any time, on behalf of the state, and the district judge, upon determination that the interest of justice requires, and after giving notice to the prosecuting attorney and hearing the prosecuting attorney's recommendations on the matter, may grant in writing to any person:

~~(i)~~ (A) Transactional immunity. Any person granted transactional immunity shall not be prosecuted for any crime which has been committed for which such immunity is granted or for any other transactions arising out of the same incident.

~~(ii)~~ (B) Use and derivative immunity. Any person granted use and derivative use immunity may be prosecuted for any crime, but the state shall not use any testimony against such person provided under a grant of such immunity or any evidence derived from such testimony. Any defendant may file with the court a motion to suppress in writing to prevent the state from using evidence on the grounds that the evidence was derived from and obtained against the defendant as a result of testimony or statements made under such grant of immunity. The motion shall state facts supporting the allegations. Upon a hearing on such motion, the state shall have the burden to prove by clear and convincing evidence that the evidence was obtained independently and from a collateral source.

~~(b)~~ (2) Any person granted immunity under either or both of subsections ~~(5)(a)(i) or (ii)~~ (e)(1)(A) or (e)(1)(B) may not refuse to testify on grounds that such testimony may self incriminate unless such testimony may form the basis for a violation of federal law for which immunity under federal law has not been conferred. No person shall be compelled to testify in any proceeding where the person is a defendant.

~~(e)~~ (3) No immunity shall be granted for perjury as provided in K.S.A. 2012 Supp. 21-5903, and amendments thereto, which was committed in giving such evidence.

~~(6)~~ (f) If the judge determines that the witness must answer and if the witness persists in refusing to answer, the witness shall be brought before the judge, who shall proceed in the same manner as if the witness had been interrogated and had refused to answer in open court.

(g) Any person may file a written request with the prosecuting attorney or with the foreman of the grand jury and request to testify or retestify in an inquiry before a grand jury or to appear before a grand jury. Any written request shall include a summary of such person's written testimony.

Sec. 10. K.S.A. 22-3009 is hereby amended to read as follows: 22-3009. ~~(+)~~ (a) Any person called to testify before a grand jury must be informed that ~~he~~ such person has a right to be advised by counsel and that ~~he may~~ such person shall not be required to make any statement which will incriminate ~~him~~ such person. Upon a request by such person for counsel, no further examination of the witness shall take place until counsel is present. In the event that counsel of the witness' choice is not available, ~~he~~ the witness shall be required to obtain other counsel within three ~~(3)~~ days in order that the work of the grand jury may proceed. If such person is indigent and unable to obtain the services of counsel, the court shall appoint counsel to assist ~~him~~ such person who shall be compensated as counsel appointed for indigent defendants in the district court.

~~(2)~~ (b) Counsel for any witness may be present while the witness is testifying and may interpose objections on behalf of the witness. ~~He~~ Such counsel shall not be permitted to examine or cross-examine ~~his~~ such counsel's client or any other witness before the grand jury.

Sec. 11. K.S.A. 22-3010 is hereby amended to read as follows: 22-3010. Prosecuting attorneys, special counsel employed by the grand jury, the witness under examination and ~~his~~ such witness' counsel, interpreters when needed and, for the purpose of taking the evidence, the reporter for the grand jury, may be present while the grand jury is in session, but no person other than the jurors may be present while the grand jury is deliberating or voting.

Sec. 12. K.S.A. 22-3011 is hereby amended to read as follows: 22-3011. ~~(+)~~ (a) An indictment may be found only on the concurrence of 12 or more grand jurors. When an indictment is found, the presiding juror shall endorse thereon "a true bill" and shall sign the presiding juror's name as presiding juror.

~~(2)~~ (b) When 12 or more grand jurors do not concur in finding an indictment, the presiding juror shall certify that the indictment is "not a true bill."

~~(3)~~ (c) Indictments found by the grand jury shall be presented by its presiding juror, in the jury's presence, to the court and shall be filed and remain as records of the court.

Sec. 13. K.S.A. 22-3012 is hereby amended to read as follows: 22-3012. (a) Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror ~~may~~ shall be made to the prosecuting attorney for use in the performance of ~~his~~ such attorney's duties.

(b) ~~Otherwise a juror, attorney, interpreter, reporter or any typist who transcribes recorded testimony may shall not disclose matters occurring before the grand jury only when so directed by the court preliminarily to or in connection with a judicial proceeding or when permitted by the court at the request of the defendant upon a showing that grounds may exist for a motion to dismiss the indictment because of matters occurring before the grand jury except, upon court order.~~

(1) The testimony of a witness before the grand jury may be disclosed to a defendant to determine whether it is consistent with testimony given before the court, but only upon a showing of good cause;

(2) evidentiary materials presented to one grand jury may be disclosed to a succeeding grand jury; and

(3) grand jury testimony by a defendant may be disclosed to such defendant, but only in the criminal action resulting from such testimony.

(c) No obligation of secrecy may be imposed upon any person except in accordance with this rule section. The court may direct that an indictment shall be kept secret until the defendant is in custody or has given bail, and in that event the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.

Sec. 14. K.S.A. 22-3013 is hereby amended to read as follows: 22-3013. ~~(+) (a)~~ A grand jury impaneled pursuant to subsection (a) or (c) of K.S.A. 22-3001, and amendments thereto, shall serve until it shall advise the court in writing that it has completed its investigation, but no such grand jury shall serve for more than three months unless extended by order of the district court. The district court may, before the expiration of the tenure of a such grand jury, make an order extending such grand jury for an additional period of not to exceed three months if the court finds that an investigation begun by the such grand jury cannot be completed within the initial three months period and that the public interest requires the continuation of the such grand jury.

(b) A grand jury impaneled pursuant to subsection (b) of K.S.A. 22-3001, and amendments thereto, shall serve for a period of six months. The district court may, before the expiration of the tenure of such grand jury, make an order extending such grand jury for an additional period of not to exceed six months upon good cause shown by such grand jury.

~~(2) (c)~~ At any time for cause shown the court may excuse a juror either temporarily or permanently, and in the latter event the court may impanel another person in place of the juror excused.

Sec. 15. K.S.A. 22-3014 is hereby amended to read as follows: 22-3014. (a) Witnesses attending a grand jury in response to a subpoena shall be allowed the same fees as are allowed witnesses in criminal cases in the district court.

(b) The Such witness fees shall be paid from the general fund of the county upon a certificate of attendance signed by the presiding juror of the grand jury.

New Sec. 16. (a) Matters of form, time, place, names. At any time before or during trial, the court may, upon application of the people and with notice to the defendant and opportunity for the defendant to be heard, order the amendment of an indictment with respect to defects, errors or variances from the proof relating to matters of form, time, place and names of persons when such amendment does not change the substance of the charge, and does not prejudice the defendant on the merits. Upon ordering an amendment, the court, for good cause shown, may grant a continuance to provide the defendant adequate opportunity to prepare a defense.

(b) Prohibition as to matters of substance. An indictment shall not be amended as to the substance of the offense charged.

(c) This section shall be part of and supplemental to article 30 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 17. K.S.A. 2012 Supp. 43-107 is hereby amended to read as follows: 43-107. (a) At least 30 days before service is required, the clerk of the court of the county where such court is to be held shall draw from the jury box the names of 30 persons to serve as grand jurors and the names of 24 persons to serve as petit jurors. In the event that a county has appropriate base information programmed as a part of its computer

operations so that it might comply with the spirit of the jury selection laws of Kansas, the jury commissioners may by local rule provide alternate methods for securing jury panels directly from the computer without the necessity of drawing names or cards from a wheel manually.

(b) Upon receipt of a list of all remaining legally qualified grand jurors from the court pursuant to K.S.A. 22-3002, and amendments thereto, the clerk of the court of the county where such court is to be held shall draw for a second time 15 names of persons to serve as grand jurors from such list. In the event that the county in which court is to be held has an alternate method for securing jury panels directly from the computer, the clerk shall use the computer to generate 15 names of persons to serve as grand jurors from such list.

New Sec. 18. (a) Upon a majority vote of the grand jury, the grand jury may seek the removal of the assigned judge pursuant to K.S.A. 20-311d, and amendments thereto.

(b) This section shall be part of and supplemental to article 30 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 19. K.S.A. 22-3002, 22-3003, 22-3004, 22-3005, 22-3006, 22-3007, 22-3009, 22-3010, 22-3011, 22-3012, 22-3013 and 22-3014 and K.S.A. 2012 Supp. 22-3001, 22-3008 and 43-107 are hereby repealed.";

And by redesignating sections accordingly;

On page 1, in the title, in line 1, by striking "jurors" and inserting "juries"; in line 2, following "service" by inserting "; grand juries; amending K.S.A. 22-3002, 22-3003, 22-3004, 22-3005, 22-3006, 22-3007, 22-3009, 22-3010, 22-3011, 22-3012, 22-3013 and 22-3014 and K.S.A. 2012 Supp. 22-3001, 22-3008 and 43-107 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2164**.

On roll call, the vote was: Yeas 26; Nays 12; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Emler, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, Longbine, Pettey, V. Schmidt, Wolf.

Present and Passing: Francisco.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2199** 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 6 through 36;

By striking all on pages 2 and 3 and inserting:

"New Section 1. (a) Notwithstanding the provisions of either the Kansas administrative procedure act, and amendments thereto, or any rule and regulation adopted pursuant to the Kansas liquor control act, and amendments thereto, governing the issuance of any written administrative notice or order concerning the imposition of any proposed civil fine or other penalty to be imposed for a violation of any of the provisions of the Kansas liquor control act, K.S.A. 41-101 et seq., and amendments thereto, such notice or order shall be issued no later than 90 days after the date a citation for such violation was issued.

(b) This section shall be part of and supplemental to the provisions of the Kansas liquor control act, K.S.A. 41-101 et seq., and amendments thereto.

New Sec. 2. (a) Notwithstanding the provisions of either the Kansas administrative procedure act, and amendments thereto, or any rule and regulation adopted pursuant to the club and drinking establishment act, and amendments thereto, governing the issuance of any written administrative notice or order concerning the imposition of any proposed civil fine or other penalty to be imposed for a violation of any of the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, such notice or order shall be issued no later than 90 days after the date a citation for such violation was issued.

(b) This section shall be part of and supplemental to the provisions of the Kansas club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto.

Sec. 3. K.S.A. 2012 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family; persons who receive a personal invitation to an event conducted by the maker and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof.

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such

hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; ~~or~~

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.

Sec. 4. K.S.A. 2012 Supp. 41-308d is hereby amended to read as follows: 41-308d.

(a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is

held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

(3) No charge of any sort may be made for a sample serving.

(4) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

(5) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(e) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 2012 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) ~~Who has not been~~ is not a citizen of the United States ~~for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;~~

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of

another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2012 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall

not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least one year immediately preceding the date of application;

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2012 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 6. K.S.A. 2012 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of

either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 7. K.S.A. 41-713 is hereby amended to read as follows: 41-713. (a) It shall be unlawful for a retailer of alcoholic liquor:

(1) To permit any person to mix drinks in or on the licensed premises, except as provided in subsection (b);

(2) to employ any person under the age of ~~twenty-one (21)~~ 21 years in connection with the operation of such retail establishment; or

(3) to employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.

(b) The provisions of subsection (a)(1) shall not apply to the preparation or mixing of samples for the purposes of conducting wine, beer, or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 2012 Supp. 41-308d, and amendments thereto.

Sec. 8. K.S.A. 2012 Supp. 41-719 is hereby amended to read as follows: 41-719.

(a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(2) Alcoholic liquor may be consumed at a special event held on public streets, alleys, roads, sidewalks or highways when a temporary permit has been issued pursuant to K.S.A 41-2645, and amendments thereto, for such special event. Such special event must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any such special event.

(3) No person shall remove any alcoholic liquor from inside the boundaries of a special event as designated by the governing body of any city, county or township. The boundaries of such special event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such special event.

(4) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.

(b) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place; or

(5) on the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or K.S.A. 2012 Supp. 41-354, and amendments thereto.

(c) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under subsection (e) of K.S.A. 41-308a, and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.

(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other

building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) In the Hiram Price Dillon house or on its surrounding premises, subject to limitations established in policies adopted by the legislative coordinating council, as provided by K.S.A. 75-3682, and amendments thereto.

(10) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(11) On the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(12) On the premises of the state capitol building or on its surrounding premises during an official state function that has been approved by the legislative coordinating council.

(13) On property exempted from this subsection (c) pursuant to subsection (d), (e), (f), (g) or (h).

(d) Any city may exempt, by ordinance, from the provisions of subsection (c) specified property the title of which is vested in such city.

(e) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (c) specified property the title of which is vested in such county.

(f) The state board of regents may exempt from the provisions of subsection (c) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(g) The board of regents of Washburn university may exempt from the provisions of subsection (c) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of trustees of a community college may exempt from the provisions of subsection (c) specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(j) For the purposes of this section, "special event" means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township.

Sec. 9. K.S.A. 2012 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102, and

amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. Drinking establishment includes a railway car.

(i) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) "Food service establishment" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(k) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

(1) Not less than 4,000 permanent seats; and
 (2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) "Sample" means a serving of alcoholic liquor which contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than one-half ounce of distilled spirits.

~~(v)~~ (v) "Secretary" means the secretary of revenue.

~~(w)~~ (w) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto.

Sec. 10. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.

(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.

~~(c) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging. Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of~~

K.S.A. 2012 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

(f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.

(g) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.

Sec. 11. K.S.A. 2012 Supp. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge for consumption by members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 12. K.S.A. 2012 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to

any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes; or

(5) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (4).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (5).

(c) A public venue club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day; ~~or~~

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces; or

(d) any licensee located in a lottery gaming facility may offer customer self-service of wine from automated devices on the licensee's premises so long as the licensee monitors and has the ability to control the consumption of such wine from such automated devices and such consumption is monitored by video surveillance under the real-time review of the licensee's management and the Kansas racing and gaming commission.

(e) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor.

The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

~~(g)~~ (g) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

~~(h)~~ (h) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

~~(f) Every licensed club and drinking establishment shall make available at any time upon request a price list showing the club's or drinking establishment's current prices per individual drink for all individual drinks.~~

Sec. 13. K.S.A. 2012 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

- (1) Be screened by the club for good moral character;
- (2) pay an annual membership fee of not less than \$10; and
- (3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such

wine shall not be removed from the licensed premises in its unopened condition.

Sec. 14. K.S.A. 2012 Supp. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986, or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

~~(e)~~ (d) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

~~(f)~~ (e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(e) (f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 15. K.S.A. 2012 Supp. 41-2655 is hereby amended to read as follows: 41-2655. (a) A license for a public venue shall allow the licensee to:

(1) Offer for sale, sell and serve alcoholic liquor by the individual drink for consumption on the licensed premises;

(2) offer for sale, sell and serve unlimited drinks for a fixed price in designated areas of the licensed premises;

(3) offer for sale and sell all inclusive packages which include unlimited drinks in designated areas of the licensed premises;

(4) offer for sale, sell and serve alcoholic liquor in the original container for consumption on the licensed premises in private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier;

(5) store, in each private suite, which ~~are~~ is enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier, alcoholic liquor sold in the original container to a customer in that private suite; and

(6) with the approval of the retailer or distributor, return for a full refund of the original purchase price unopened containers of alcoholic liquor to the retailer or distributor from whom such items were purchased upon the conclusion of an event if the next scheduled event for that premises is more than 90 days from the date of the concluded event.

(b) An applicant or public venue licensee shall specify in the application for a license, or renewal of a license, the premises to be licensed. No public venue licensee may offer for sale, sell or serve any alcoholic liquor in any area not included in the licensed premises.

(c) The term "designated areas" for purposes of this section shall mean an area identified in the license application, which may include suites, that has controlled access and is separated from the general admission by a barrier.

(d) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(e) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(f) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 16. K.S.A. 2012 Supp. 79-41a02 is hereby amended to read as follows: 79-41a02. (a) There is hereby imposed, for the privilege of selling alcoholic liquor, a tax at the rate of 10% upon the gross receipts derived from the sale of alcoholic liquor by any club, caterer, drinking establishment, public venue or temporary permit holder, and upon the acquisition costs of any alcoholic liquor served as samples by clubs and drinking establishments.

(b) The tax imposed by this section shall be paid by the consumer to the club, caterer, drinking establishment, public venue or temporary permit holder and it shall be the duty of each and every club, caterer, drinking establishment, public venue or temporary permit holder subject to this section to collect from the consumer the full amount of such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each club, caterer, drinking establishment, public venue or temporary permit holder collecting the tax imposed hereunder shall be responsible for paying over the same to the state department of revenue in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the collection of such tax.

(c) Any club or drinking establishment that serves free samples of alcoholic liquor shall remit the tax imposed by subsection (a) in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the payment of such tax.

New Sec. 17. (a) Alcoholic liquor and cereal malt beverage for the sampling as provided for in K.S.A. 41-2637, 41-2640, 41-2641 and 41-2642, and amendments thereto, shall be withdrawn from the inventory of the licensee. Except as provided by subsection (b), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(b) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a licensee's premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch or pour alcoholic beverages, make a presentation or answer questions at the tasting. Any alcoholic beverage or cereal malt beverages sampled under this subsection must be purchased from the licensee on whose premises the sampling is held. The licensee may not require the purchase of more alcoholic beverages or cereal malt beverages than is necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage or cereal malt beverage from the holder of a distributor's license or provide an alcoholic beverage or cereal malt beverage for sampling on the licensee's premises that is not purchased from the licensee.

New Sec. 18. Each licensee licensed under this act who provides samples shall pay the drink tax imposed by K.S.A. 79-41a01 et seq., and amendments thereto, on the alcoholic liquor and cereal malt beverage inventory when the inventory is withdrawn from the licensee's stock based on the licensee's acquisition cost.

Sec. 19. K.S.A. 41-713 and 41-2610, and K.S.A. 2012 Supp. 41-104, 41-308d, 41-311, 41-354, 41-719, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, by striking all in lines 1 through 3 and inserting "AN ACT concerning alcoholic beverages; amending K.S.A. 41-713 and 41-2610 and K.S.A. 2012 Supp. 41-104, 41-308d, 41-311, 41-354, 41-719, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

RALPH OSTMEYER
 JAY SCOTT EMLER
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

ARLEN SIEGFREID
 STEVEN BRUNK
 LOUIS RUIZ
Conferees on part of House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **S Sub for HB 2199**.

Senator Francisco motioned on point of order if the conference committee report on **S Sub for HB 2199** is in violation of Joint Rules 3(f). The motion was ruled in order.

Senator Arpke moved a substitute motion to send **S Sub for HB 2199** back to conference and appoint a new conference committee. The motion failed.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Longbine, Lynn, Melcher, Olson, Ostmeyer, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wolf.

Nays: Apple, Arpke, King, Knox, Love, Masterson, O'Donnell, Petersen, Pyle, Tyson. Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: On the face of it, expanding alcohol consumption into the Capitol sounds like it may not be the best policy. However, with the understanding that it will only be used for official state functions, such as the sesquicentennial celebration and the official opening of the Capitol remodel, and that every instance must be approved in advance by the Legislative Coordinating Council, and that it will be used sparingly, I vote yes.—STEVE ABRAMS

Senators Donovan, Hawk and Olson request the record to show they concur with the "Explanation of Vote" offered by Senator Abrams on **HB 2199**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2052** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 2, in line 18, by striking "on the premises"; in line 19, by striking "of" and inserting "in"; in line 29, by striking "Subject to provisions of subsection (b),"; in line 31, by striking "concealed"; also in line 31, after "handgun" by inserting "or other firearm concealed or unconcealed"; in line 32, after "any" by inserting "secure area of a"; also in line 32, after "premises" by inserting ", except those areas of such building outside of a secure area and readily accessible to the public shall be subject to the

provisions of subsection (b)";

On page 3, in line 1, after "of" by inserting "only"; following line 13, by inserting:

"(j) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may exempt any building of such institution from this section for a period of four years only by stating the reasons for such exemption and sending notice of such exemption to the Kansas attorney general:

(1) A state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(2) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(3) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto;

(4) an indigent health care clinic, as defined by K.S.A. 2012 Supp. 65-7402, and amendments thereto; or

(5) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, including any buildings located on the grounds of such institution and any buildings leased by such institution.

(k) The provisions of this section shall not apply to any building located on the grounds of the Kansas state school for the deaf or the Kansas state school for the blind.";

And by redesignating remaining subsections accordingly;

Also on page 3, in line 23, by striking "shall" and inserting "may"; in line 26, after "thereto" by inserting ", but does not include school districts"; in line 32, after "(5)" by inserting "(A)"; following line 36, by inserting:

"(B) On and after July 1, 2014, provided that the provisions of section 3, and amendments thereto, are in full force and effect, the term "state and municipal building" shall not include the state capitol.";

Also on page 3, following line 40, by inserting:

"New Sec. 3. (a) A license issued under K.S.A. 75-7c01 et seq., and amendments thereto, shall authorize the licensee to carry a concealed handgun in the state capitol in accordance with the provisions of K.S.A. 75-7c01 et seq., and amendments thereto.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2014, unless the legislative coordinating council determines that on July 1, 2014, the state capitol does have adequate security measures, as that term is defined in section 2, and amendments thereto, to ensure that no weapons are permitted to be carried into the state capitol. Such determination shall be made on or after June 1, 2014, but no later than July 1, 2014.

(c) This section shall be a part of and supplemental to the personal and family protection act.";

On page 4, by striking all in lines 32 through 34;

And by redesignating remaining paragraphs accordingly;

On page 5, in line 30, by striking "or"; following line 30, by inserting:

"(8) law enforcement officers from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C; or";

Also on page 5, in line 31, by striking "(8)" and inserting "(9)";

On page 7, in line 7, by striking "or"; in line 18, after "thereto" by inserting "; or

(3) law enforcement officers from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, to possess a firearm";

Also on page 7, in line 25, by striking "Facilities" and inserting "Buildings"; in line 26, by striking "facilities" and inserting "buildings"; in line 35, by striking "facilities" and inserting "buildings"; in line 36, by striking "facility" and inserting "building"; in line 37, by striking "facility" and inserting "building";

On page 19, in line 33, by striking "premises are" and inserting "building is"; in line 34, by striking "premises" and inserting "a building";

On page 20, in line 38, by striking "premises are" and inserting "building is"; in line 40, by striking "premises" and inserting "a building";

On page 21, by striking all in lines 22 through 30 and inserting:

"(c) (1) Any private entity which provides adequate security measures in a private building and which conspicuously posts signage in accordance with this section prohibiting the carrying of a concealed handgun in such building as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(2) Any private entity which does not provide adequate security measures in a private building and which allows the carrying of a concealed handgun as authorized by the personal and family protection act shall not be liable for any wrongful act or omission relating to actions of persons licensed to carry a concealed handgun concerning acts or omissions regarding such handguns.

(3) Nothing in this act shall be deemed to increase the liability of any private entity where liability would have existed under the personal and family protection act prior to the effective date of this act.

(d) The governing body or the chief administrative officer, if no governing body exists, of any of the following institutions may permit any employee, who is licensed to carry a concealed handgun as authorized by the provisions of K.S.A. 75-7c01 et seq., and amendments thereto, to carry a concealed handgun in any building of such institution, if the employee meets such institution's own policy requirements regardless of whether such building is conspicuously posted in accordance with the provisions of this section:

(1) A unified school district;

(2) a postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto;

(3) a state or municipal-owned medical care facility, as defined in K.S.A. 65-425, and amendments thereto;

(4) a state or municipal-owned adult care home, as defined in K.S.A. 39-923, and amendments thereto;

(5) a community mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto; or

(6) an indigent health care clinic, as defined by K.S.A. 2012 Supp. 65-7402, and amendments thereto.";

And by redesignating remaining subsections accordingly;

Also on page 21, in line 33, by striking "premises are" and inserting "building is";

On page 22, following line 14, by inserting:

"(f) On and after July 1, 2014, provided that the provisions of section 3, and amendments thereto, are in full force and effect, the provisions of this section shall not apply to the carrying of a concealed handgun in the state capitol.";

And by redesignating remaining subsections accordingly;

Also on page 22, in line 24, by striking "premises" and inserting "a building";

And your committee conference recommends the adoption of this report.

RALPH OSTMEYER

JAY EMLER

TOM HAWK

Conferees on part of Senate

ARLEN SIEGFREID

STEVE BRUNK

LOUIS E. RUIZ

Conferees on part of House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **S Sub for HB 2052**.

On roll call, the vote was: Yeas 32; Nays 7; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Hawk, Holland, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2105** 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 67, in line 3, by striking "20%" and inserting "25%";

And your committee on conference recommends the adoption of this report.

JULIA LYNN

SUSAN WAGLE

TOM HOLLAND

Conferees on part of Senate

MARVIN KLEEB

GENE SUELLENTROP

STAN FROWNFEILER

Conferees on part of House

Senator Lynn moved the Senate adopt the Conference Committee Report on **Sub HB 2105**.

On roll call, the vote was: Yeas 27; Nays 12; Present and Passing 0; Absent or Not

Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, Knox, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, King, LaTurner, Petersen, Pettey, Tyson.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2253** 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, following line 8, by inserting:

"New Sec. 10. (a) No person shall perform or induce an abortion or attempt to perform or induce an abortion with knowledge that the pregnant woman is seeking the abortion solely on account of the sex of the unborn child.

(b) (1) A woman upon whom an abortion is performed or induced, or upon whom there is an attempt to perform or induce an abortion, in violation of this section, the father, if married to the woman at the time of the abortion, and the parents or custodial guardian of the woman, if the woman has not attained the age of 18 years at the time of the abortion, may in a civil action obtain appropriate relief, unless, in a case where the plaintiff is not the woman upon whom the abortion was performed, the pregnancy resulted from the plaintiff's criminal conduct.

(2) Such relief shall include:

(A) Money damages for all injuries, psychological and physical, occasioned by the violation of this section;

(B) statutory damages equal to three times the cost of the abortion;

(C) injunctive relief; and

(D) reasonable attorney fees.

(c) A woman upon whom an abortion is performed shall not be prosecuted under this section for a conspiracy to violate this section pursuant to K.S.A. 2012 Supp. 21-5302, and amendments thereto.

(d) Nothing in this section shall be construed to create a right to an abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.

(e) Upon a first conviction of a violation of this section, a person shall be guilty of a class A person misdemeanor. Upon a second or subsequent conviction of a violation of this section, a person shall be guilty of a severity level 10, person felony.

(f) If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect the 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.

(g) For purposes of this section, the term "abortion" has the same meaning as such term is defined in K.S.A. 65-6701, and amendments thereto.";

Also on page 5, in line 22, by striking "(b)"; following line 35, by inserting:

"(b) (1) For employers that have established a small employer health benefit plan after December 31, 1999, but prior to January 1, 2005, the amount of the credit allowed by subsection (a) shall be \$35 per month per eligible covered employee or 50% of the total amount paid by the employer during the taxable year, whichever is less, for the first two years of participation. In the third year, the credit shall be equal to 75% of the lesser of \$35 per month per employee or 50% of the total amount paid by the employer during the taxable year. In the fourth year, the credit shall be equal to 50% of the lesser of \$35 per month per employee or 50% of the total amount paid by the employer during the taxable year. In the fifth year, the credit shall be equal to 25% of the lesser of \$35 per month per employee or 50% of the total amount paid by the employer during the taxable year. For the sixth and subsequent years, no credit shall be allowed.";

Also on page 5, in line 36, before "For" by inserting "(2)";

On page 6, in line 17, by striking "2004" and inserting "1999";

On page 28, in line 23, after "care" by inserting "when such expenses were paid or incurred for abortion coverage"; in line 24, after "thereto," by inserting "when such expenses were paid or incurred for abortion coverage"; in line 28, by striking "an itemized" and inserting "a";

On page 32, in line 16, after "care" by inserting "when such expenses were paid or incurred for abortion coverage"; in line 17, after "thereto," by inserting "when such expenses were paid or incurred for abortion coverage";

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

ARLEN SIEGFREID

STEVE BRUNK

LOUIS RUIZ

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **HB 2253**.

On roll call, the vote was: Yeas 28; Nays 10; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt, Wolf.

Present and Passing: Emler.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM 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 amendments, as follows:

On page 2, in line 13, by striking all before "an" and inserting "Except as otherwise provided in subsections (d) and (e), the Kansas restraint of trade act shall be construed in harmony with ruling judicial interpretations of federal antitrust law by the United States supreme court. If such judicial interpretations are in conflict with or inconsistent with the express provisions of subsection (c), the provisions of subsection (c) shall control.

(c) ";

Also on page 2, by striking all in lines 24 through 40;

On page 3, in line 10, before "The" by inserting "(d) The Kansas restraint of trade act shall not be construed to prohibit:

- (1) Actions or proceedings concerning intrastate commerce;
- (2) actions or proceedings by indirect purchasers pursuant to K.S.A. 50-161, and amendments thereto;
- (3) recovery of damages pursuant to K.S.A. 50-161, and amendments thereto;
- (4) any remedy or penalty provided in the Kansas restraint of trade act, including, but not limited to, recovery of civil penalties pursuant to K.S.A. 50-160, and amendments thereto; and
- (5) any action or proceeding brought by the attorney general pursuant to authority provided in the Kansas restraint of trade act, or any other power or duty of the attorney general provided in such act.

(e)";

And by redesignating subsections accordingly;

On page 5, in line 19, by striking "(1)"; in line 30, by striking "(2)"; in line 33, by striking "either but not both: (A)"; in line 34, by striking all following "sustained"; by striking all in lines 35 through 38; in line 39, by striking "(3)";

On page 6, in line 8, by striking ", 50-"; in line 9, by striking "158 and 50-161" and inserting "and 50-112"; also in line 9, by striking "cause"; in line 10, by striking "of action" and inserting "choses in action or defenses"; in line 11, following the first "act" by inserting "amended or"; also in line 11, by striking "cause of action that has" and inserting "choses in action or defenses that have"; in line 12, by striking "March 1, 2013," and inserting "the effective date of this act"; also in line 12, by striking "such"; in line 13, by striking "March 1, 2013" and inserting "the effective date of this act"; in line 19, by striking "statute book" and inserting "Kansas register";

And your committee on conference recommends the adoption of this report.

LANCE KINZER
 ROB BRUCHMAN
 JANICE PAULS

Conferees on part of House

JEFF KING
GREG SMITH
DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **SB 124**.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 2; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Pettey.

Present and Passing: Hawk, Kelly.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **SB 124**. This bill will directly harm Kansas businesses that rely on the Kansas Restraint of Trade Act to ensure a level playing field in Kansas. It is hard for Kansas businesses, including family-owned and operated businesses, to compete with out-of-state and international companies. This bill will make it much, much harder. This bill radically changes the 100-year history of the KRTA and will put out a welcome mat for anticompetitive conduct in Kansas. It will make Kansas the only state in the entire country not to outlaw price fixing by competitors, which makes this anti-consumer. Kansas will be an outlier and the only state to invite anticompetitive conduct within its borders. The House limited full consideration damages to the very worst defendants: those who intentionally or willfully violate our antitrust statutes. SB 124, as amended by the Conference Committee, entirely eliminates full consideration of damages. This rewards the very worst offenders and eliminates a substantial deterrence against anticompetitive conduct in this State. These changes will substantially hurt the ability of the Kansas Attorney General to prosecute anticompetitive actions that harm Kansans or to recover for any anticompetitive actions in Kansas. For these reasons, I vote no.—ANTHONY HENSLEY

Senators Francisco and Pettey request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on SB 124.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 129** 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 34;

By striking all on pages 2 through 24 and inserting the following:

"Section 1. K.S.A. 16-207 is hereby amended to read as follows: 16-207. (a) Subject to the following provision, the parties to any bond, bill, promissory note or

other instrument of writing for the payment or forbearance of money may stipulate therein for interest receivable upon the amount of such bond, bill, note or other instrument of writing, at a rate not to exceed 15% per annum unless otherwise specifically authorized by law.

~~(b) The interest rate limitation set forth in this subsection applies to all first mortgage loans and contracts for deed to real estate, unless the parties agree in writing to make the transaction subject to the uniform consumer credit code, K.S.A. 16a-1-101 to 16a-9-102, and amendments thereto. The interest rate limitation set forth in this subsection does not apply to a second mortgage loan governed by the uniform consumer credit code, K.S.A. 16a-1-101 to 16a-9-102, and amendments thereto, unless the lender and the borrower agree in writing that the interest rate for the loan is to be governed by this subsection. The maximum rate of interest per annum for notes secured by real estate mortgages and contracts for deed to real estate governed by this subsection shall be at an amount equal to 1-1/2 percentage points above the yield of thirty-year fixed rate conventional home mortgages committed for delivery within 61 to 90 days accepted under the federal home loan mortgage corporation's daily offerings for sale on the last day on which commitments for such mortgages were received in the preceding month unless otherwise specifically authorized by law. Such interest rate shall be computed for each calendar month and be effective on the first day thereof. The secretary of state shall publish notice of such maximum interest rate not later than the second issue of the Kansas register published each month.~~

(e) No penalty shall be assessed against any party for prepayment of any home loan evidenced by a note secured by a real estate mortgage where such prepayment is made more than six months after execution of such note.

~~(d)~~ (c) The lender may collect from the borrower:

(1) The actual fees paid a public official or agency of the state, or federal government, for filing, recording or releasing any instrument relating to a loan subject to the provisions of this section; and

(2) reasonable expenses incurred by the lender in connection with the making, closing, disbursing, extending, readjusting or renewing of loans subject to the provisions of this section.

~~(e)~~ (d) Any person so contracting for a greater rate of interest than that authorized by this section shall forfeit all interest so contracted for in excess of the amount authorized under this section; and in addition thereto shall forfeit a sum of money, to be deducted from the amount due for principal and lawful interest, equal to the amount of interest contracted for in excess of the amount authorized by this section and such amounts may be set up as a defense or counterclaim in any action to enforce the collection of such obligation and the borrower shall also recover a reasonable attorney fee.

~~(f)~~ (e) The interest rates prescribed in ~~subsections (a) and (b) of this section~~ subsection (a) shall not apply to a business or agricultural loan. For the purpose of this section unless a loan is made primarily for personal, family or household purposes, the loan shall be considered a business or agricultural loan. For the purpose of this subsection, a business or agricultural loan shall include credit sales and notes secured by contracts for deed to real estate.

~~(g)~~ (f) Loans made by a qualified plan, as defined in section 401 of the internal revenue code, to an individual participant in such plan or to a member of the family of

such individual participant, are not subject to the interest rates prescribed in ~~subsections (a) and (b) of this section~~ subsection (a).

~~(h) (g)~~ The interest rates prescribed in ~~subsections (a) and (b) of this section~~ subsection (a) shall not apply to a note secured by a real estate mortgage or a contract for deed to real estate where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule.

~~(i) (h)~~ A first mortgage loan incurred for personal, family or household purposes may be subject to certain provisions of the uniform consumer credit code, K.S.A. 16a-1-101 to 16a-9-102, and amendments thereto, as follows:

(1) Certain high loan-to-value first mortgage loans are subject to the provisions of the uniform consumer credit code, other than its usury provisions. Examples of provisions of the uniform consumer credit code applicable to high loan-to-value first mortgage loans include, but are not limited to: Limitations on prepaid finance charges; mandatory appraisals; required disclosures; restrictions on balloon payments and negative amortization; limitations on late fees and collection costs; and mandatory default notices and cure rights.

(2) Certain high interest rate first mortgage loans are subject to certain provisions of the uniform consumer credit code, including, without limitation, provisions which impose restrictions on balloon payments and negative amortization.

(3) If the parties to a first mortgage loan agree in writing to make the transaction subject to the uniform consumer credit code, then all applicable provisions of the uniform consumer credit code, including its usury provisions, apply to the loan.

This subsection is for informational purposes only and does not limit or expand the scope of the uniform consumer credit code.

~~(j) (i)~~ ~~Subsections (e), (d) and (c) of this section (b), (c) and (d)~~ do not apply to a first mortgage loan if:

(1) The parties agree in writing to make the transaction subject to the uniform consumer credit code, K.S.A. 16a-1-101 to 16a-9-102, and amendments thereto; or

(2) the loan is a high loan-to-value first mortgage loan subject to any provision of the uniform consumer credit code.

In the case of a loan described in ~~subparts paragraphs (1) or (2) of the preceding sentence~~, the applicable provisions of the uniform consumer credit code shall govern the loan in lieu of ~~subsections (e), (d) and (c) of this section (b), (c) and (d)~~.

Sec. 2. K.S.A. 16-207 and K.S.A. 16-207, as amended by 2013 Senate Bill No. 52 are hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.":

On page 1, in the title in line 1, by striking all after "concerning"; by striking all in lines 2 and 3; in line 4, by striking all before the period and inserting "mortgage interest rates; amending K.S.A. 16-207 and repealing the existing section; also repealing K.S.A. 16-207, as amended by 2013 Senate Bill No. 52";

And your committee on conference recommends the adoption of this report.

PETE DEGRAAF

JIM KELLY

STAN FROWNELTER

Conferees on part of House

ROB OLSON
JEFF LONGBINE
TOM HAWK

Conferees on part of Senate

Senator Olson moved the Senate adopt the Conference Committee Report on **SB 129**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Haley.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 187** 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 26, following line 11, by inserting the following:

"Sec. 7. K.S.A. 2012 Supp. 2-224a is hereby amended to read as follows: 2-224a.

(a) Notwithstanding the provisions of K.S.A. 44-576, and amendments thereto, the state fair board is hereby authorized to purchase workers compensation insurance from an admitted carrier. Any contract for the purchase of workers compensation insurance entered into by the state fair board shall be purchased in the manner prescribed for the purchase of supplies, materials, equipment and contractual services as provided in K.S.A. 75-3738 through 75-3744, and amendments thereto, and any such contract having a premium or rate in excess of \$500 shall be purchased on the basis of sealed bids. Such contract shall not be subject to the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2012 Supp. 75-4125, and amendments thereto.

(b) If the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), from and after the end of the payroll period in which such workers compensation policy takes effect, the state fair board shall not be subject to the self-insurance assessment prescribed by K.S.A. 44-576, and amendments thereto, and the director of accounts and reports shall cease to transfer any amounts for such self-assessment for the state fair board pursuant to such statute, 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.

(c) Notwithstanding the provisions of K.S.A. 44-575, and amendments thereto, if the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), the state workers compensation self-insurance fund shall not be liable for any compensation claims under the workers compensation act relating to the state fair board and arising during the term of such contract, or for

any other amounts otherwise required to be paid under the workers compensation act during the term of such contract.

(d) The state fair board shall notify ~~the secretary of administration and~~ the secretary of health and environment of the effective date of any workers compensation policy acquired pursuant to this section.

Sec. 8. K.S.A. 2012 Supp. 44-510d is hereby amended to read as follows: 44-510d. (a) Where disability, partial in character but permanent in quality, results from the injury, the injured employee shall be entitled to the compensation provided in K.S.A. 44-510h and 44-510i, and amendments thereto. The injured employee may be entitled to payment of temporary total disability as defined in K.S.A. 44-510c, and amendments thereto, or temporary partial disability as defined in subsection (a)(1) of K.S.A. 44-510e, and amendments thereto, provided that the injured employee shall not be entitled to any other or further compensation for or during the first week following the injury unless such disability exists for three consecutive weeks, in which event compensation shall be paid for the first week. Thereafter compensation shall be paid for temporary total or temporary partial disability as provided in the following schedule, $66\frac{2}{3}\%$ of the average weekly wages to be computed as provided in K.S.A. 44-511, and amendments thereto, except that in no case shall the weekly compensation be more than the maximum as provided for in K.S.A. 44-510c, and amendments thereto.

(b) If there is an award of permanent disability as a result of the injury there shall be a presumption that disability existed immediately after the injury and compensation is to be paid for not to exceed the number of weeks allowed in the following schedule:

- (1) For loss of a thumb, 60 weeks.
- (2) For the loss of a first finger, commonly called the index finger, 37 weeks.
- (3) For the loss of a second finger, 30 weeks.
- (4) For the loss of a third finger, 20 weeks.
- (5) For the loss of a fourth finger, commonly called the little finger, 15 weeks.
- (6) Loss of the first phalange of the thumb or of any finger shall be considered to be equal to the loss of $\frac{1}{2}$ of such thumb or finger, and the compensation shall be $\frac{1}{2}$ of the amount specified above. The loss of the first phalange and any part of the second phalange of any finger, which includes the loss of any part of the bone of such second phalange, shall be considered to be equal to the loss of $\frac{2}{3}$ of such finger and the compensation shall be $\frac{2}{3}$ of the amount specified above. The loss of the first phalange and any part of the second phalange of a thumb which includes the loss of any part of the bone of such second phalange, shall be considered to be equal to the loss of the entire thumb. The loss of the first and second phalanges and any part of the third proximal phalange of any finger, shall be considered as the loss of the entire finger. Amputation through the joint shall be considered a loss to the next higher schedule.
- (7) For the loss of a great toe, 30 weeks.
- (8) For the loss of any toe other than the great toe, 10 weeks.
- (9) The loss of the first phalange of any toe shall be considered to be equal to the loss of $\frac{1}{2}$ of such toe and the compensation shall be $\frac{1}{2}$ of the amount above specified.
- (10) The loss of more than one phalange of a toe shall be considered to be equal to the loss of the entire toe.
- (11) For the loss of a hand, 150 weeks.
- (12) For the loss of a forearm, 200 weeks.
- (13) For the loss of an arm, excluding the shoulder joint, shoulder girdle, shoulder

musculature or any other shoulder structures, 210 weeks, and for the loss of an arm, including the shoulder joint, shoulder girdle, shoulder musculature or any other shoulder structures, 225 weeks.

(14) For the loss of a foot, 125 weeks.

(15) For the loss of a lower leg, 190 weeks.

(16) For the loss of a leg, 200 weeks.

(17) For the loss of an eye, or the complete loss of the sight thereof, 120 weeks.

(18) Amputation or severance below the wrist shall be considered as the loss of a hand. Amputation at the wrist and below the elbow shall be considered as the loss of the forearm. Amputation at or above the elbow shall be considered loss of the arm. Amputation below the ankle shall be considered loss of the foot. Amputation at the ankle and below the knee shall be considered as loss of the lower leg. Amputation at or above the knee shall be considered as loss of the leg.

(19) For the complete loss of hearing of both ears, 110 weeks.

(20) For the complete loss of hearing of one ear, 30 weeks.

(21) Permanent loss of the use of a finger, thumb, hand, shoulder, arm, forearm, toe, foot, leg or lower leg or the permanent loss of the sight of an eye or the hearing of an ear, shall be equivalent to the loss thereof. For the permanent partial loss of the use of a finger, thumb, hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear, compensation shall be paid as provided for in K.S.A. 44-510c, and amendments thereto, per week during that proportion of the number of weeks in the foregoing schedule provided for the loss of such finger, thumb, hand, shoulder, arm, toe, foot or leg or the sight of an eye or the hearing of an ear, which partial loss thereof bears to the total loss of a finger, thumb, hand, shoulder, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear; but in no event shall the compensation payable hereunder for such partial loss exceed the compensation payable under the schedule for the total loss of such finger, thumb, hand, arm, toe, foot or leg, or the sight of an eye or the hearing of an ear, exclusive of the healing period. As used in this paragraph (21), "shoulder" means the shoulder joint, shoulder girdle, shoulder musculature or any other shoulder structures.

(22) For traumatic hernia, compensation shall be limited to the compensation under K.S.A. 44-510h and 44-510i, and amendments thereto, compensation for temporary total disability during such period of time as such employee is actually unable to work on account of such hernia, and, in the event such hernia is inoperable, weekly compensation during 12 weeks, except that, in the event that such hernia is operable, the unreasonable refusal of the employee to submit to an operation for surgical repair of such hernia shall deprive such employee of any benefits under the workers compensation act.

(23) Loss of or loss of use of a scheduled member shall be based upon permanent impairment of function to the scheduled member as determined using the fourth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein, until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be determined by using the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein.

(24) Where an injury results in the loss of or loss of use of more than one scheduled member within a single extremity, the functional impairment attributable to each

scheduled member shall be combined pursuant to the fourth edition of the American medical association guides for evaluation of permanent impairment until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be combined pursuant to the sixth edition of the American medical association guides to the evaluation of permanent impairment, and compensation awarded shall be calculated to the highest scheduled member actually impaired.

(c) Whenever the employee is entitled to compensation for a specific injury under the foregoing schedule, the same shall be exclusive of all other compensation except the benefits provided in K.S.A. 44-510h and 44-510i, and amendments thereto, and no additional compensation shall be allowable or payable for any temporary or permanent, partial or total disability, except that the director, in proper cases, may allow additional compensation during the actual healing period, following amputation. The healing period shall not be more than 10% of the total period allowed for the scheduled injury in question nor in any event for longer than 15 weeks. The return of the employee to the employee's usual occupation shall terminate the healing period.

(d) The amount of compensation for permanent partial disability under this section shall be determined by multiplying the payment rate by the weeks payable. As used in this section:

(1) 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 $66\frac{2}{3}\%$; 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 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); and (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).

The resulting award shall be paid for the number of weeks at the payment rate until fully paid or modified. Under no circumstances shall the period of permanent partial disability run concurrently with the period of temporary total or temporary partial disability.

Sec. 9. K.S.A. 2012 Supp. 44-510e is hereby amended to read as follows: 44-510e. (a) In case of whole body injury resulting in temporary or permanent partial general disability not covered by the schedule in K.S.A. 44-510d, and amendments thereto, the employee shall receive weekly compensation as determined in this subsection during the period of temporary or permanent partial general disability not exceeding a maximum of 415 weeks.

(1) Weekly compensation for temporary partial general disability shall be $66\frac{2}{3}\%$ of the difference between the average weekly wage that the employee was earning prior to the date of injury and the amount the employee is actually earning after such injury in any type of employment. In no case shall such weekly compensation exceed the maximum as provided for in K.S.A. 44-510c, and amendments thereto.

(2) (A) Permanent partial general disability exists when the employee is disabled in a manner which is partial in character and permanent in quality and which is not covered by the schedule in K.S.A. 44-510d, and amendments thereto. Compensation for

permanent partial general disability shall also be paid as provided in this section where an injury results in:

(i) The loss of or loss of use of a shoulder, arm, forearm or hand of one upper extremity, combined with the loss of or loss of use of a shoulder, arm, forearm or hand of the other upper extremity;

(ii) the loss of or loss of use of a leg, lower leg or foot of one lower extremity, combined with the loss of or loss of use of a leg, lower leg or foot of the other lower extremity; or

(iii) the loss of or loss of use of both eyes.

(B) The extent of permanent partial general disability shall be the percentage of functional impairment the employee sustained on account of the injury as established by competent medical evidence and based on the fourth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein, until January 1, 2015, but for injuries occurring on and after January 1, 2015, based on the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein.

(C) An employee may be eligible to receive permanent partial general disability compensation in excess of the percentage of functional impairment ("work disability") if:

(i) The percentage of functional impairment determined to be caused solely by the injury exceeds 7½% to the body as a whole or the overall functional impairment is equal to or exceeds 10% to the body as a whole in cases where there is preexisting functional impairment; and

(ii) the employee sustained a post-injury wage loss, as defined in subsection (a)(2) (E) of K.S.A. 44-510e, and amendments thereto, of at least 10% which is directly attributable to the work injury and not to other causes or factors.

In such cases, the extent of work disability is determined by averaging together the percentage of post-injury task loss demonstrated by the employee to be caused by the injury and the percentage of post-injury wage loss demonstrated by the employee to be caused by the injury.

(D) "Task loss" shall mean the percentage to which the employee, in the opinion of a licensed physician, has lost the ability to perform the work tasks that the employee performed in any substantial gainful employment during the five-year period preceding the injury. The permanent restrictions imposed by a licensed physician as a result of the work injury shall be used to determine those work tasks which the employee has lost the ability to perform. If the employee has preexisting permanent restrictions, any work tasks which the employee would have been deemed to have lost the ability to perform, had a task loss analysis been completed prior to the injury at issue, shall be excluded for the purposes of calculating the task loss which is directly attributable to the current injury.

(E) "Wage loss" shall mean the difference between the average weekly wage the employee was earning at the time of the injury and the average weekly wage the employee is capable of earning after the injury. The capability of a worker to earn post-injury wages shall be established based upon a consideration of all factors, including, but not limited to, the injured worker's age, physical capabilities, education and training, prior experience, and availability of jobs in the open labor market. The administrative law judge shall impute an appropriate post-injury average weekly wage based on such

factors. Where the employee is engaged in post-injury employment for wages, there shall be a rebuttable presumption that the average weekly wage an injured worker is actually earning constitutes the post-injury average weekly wage that the employee is capable of earning. The presumption may be overcome by competent evidence.

(i) To establish post-injury wage loss, the employee must have the legal capacity to enter into a valid contract of employment. Wage loss caused by voluntary resignation or termination for cause shall in no way be construed to be caused by the injury.

(ii) The actual or projected weekly value of any employer-paid fringe benefits are to be included as part of the worker's post-injury average weekly wage and shall be added to the wage imputed by the administrative law judge pursuant to K.S.A. 44-510e(a)(2)(E), and amendments thereto.

(iii) The injured worker's refusal of accommodated employment within the worker's medical restrictions as established by the authorized treating physician and at a wage equal to 90% or more of the pre-injury average weekly wage shall result in a rebuttable presumption of no wage loss.

(F) The amount of compensation for whole body injury 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 $\frac{2}{3}$ %; 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; and (3) multiply the number of weeks as determined in (F)(2)(B) by the percentage of 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.

The resulting award shall be paid for the number of disability weeks at the payment rate until fully paid or modified. In any case of permanent partial disability under this section, the employee shall be paid compensation for not to exceed 415 weeks following the date of such injury. If there is an award of permanent disability as a result of the compensable injury, there shall be a presumption that disability existed immediately after such injury. Under no circumstances shall the period of permanent partial disability run concurrently with the period of temporary total or temporary partial disability.

(b) If an employee has sustained an injury for which compensation is being paid, and the employee's death is caused by other and independent causes, any payment of compensation already due the employee at the time of death and then unpaid shall be paid to the employee's dependents directly or to the employee's legal representatives if the employee left no dependent, but the liability of the employer for the payments of compensation not yet due at the time of the death of such employee shall cease and be abrogated by the employee's death.

(c) The total amount of compensation that may be allowed or awarded an injured

employee for all injuries received in any one accident shall in no event exceed the compensation which would be payable under the workers compensation act for 100% permanent total disability resulting from such accident.

(d) Where a minor employee or a minor employee's dependents are entitled to compensation under the workers compensation act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or cause of action against the employer shall inure or accrue to or exist in favor of the parent or parents of such minor employee on account of any damage resulting to such parent or parents on account of the loss of earnings or loss of service of such minor employee.

(e) In any case of injury to or death of an employee, where the employee or the employee's dependents are entitled to compensation under the workers compensation act, such compensation shall be exclusive of all other remedies or causes of action for such injury or death, and no claim or action shall inure, accrue to or exist in favor of the surviving spouse or any relative or next of kin of such employee against such employer on account of any damage resulting to such surviving spouse or any relative or next of kin on account of the loss of earnings, services, or society of such employee or on any other account resulting from or growing out of the injury or death of such employee.

Sec. 10. K.S.A. 44-512 is hereby amended to read as follows: 44-512. Workers compensation payments shall be made at the same time, place and in the same manner as the wages of the worker were payable at the time of the accident, but upon the application of either party the administrative law judge may modify such requirements in a particular case as the administrative law judge deems just, except that: (a) Payments from the workers compensation fund established by K.S.A. 44-566a, and amendments thereto, shall be made in the manner approved by the commissioner of insurance; (b) payments from the state workers compensation self-insurance fund established by K.S.A. 44-575, and amendments thereto, shall be made in a manner approved by the secretary of ~~administration~~ health and environment; and (c) whenever temporary total disability compensation is to be paid under the workers compensation act, payments shall be made only in cash, by check or in the same manner that the employee is normally compensated for salary or wages and not by any other means, except that any such compensation may be paid by warrant of the director of accounts and reports issued for payment of such compensation from the workers compensation fund or the state workers compensation self-insurance fund under the workers compensation act.

Sec. 11. ***K.S.A. 2012 Supp. 44-520 is hereby amended to read as follows: 44-520.*** (a) (1) Proceedings for compensation under the workers compensation act shall not be maintainable unless notice of injury by accident or repetitive trauma is given to the employer by the earliest of the following dates:

(A) ~~30~~ 20 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~~ 10 calendar days after the employee's last day of actual work for the employer.

Notice may be given orally or in writing.

(2) Where notice is provided orally, if the employer has designated an individual or department to whom notice must be given and such designation has been communicated in writing to the employee, notice to any other individual or department shall be insufficient under this section. If the employer has not designated an individual or department to whom notice must be given, notice must be provided to a supervisor or manager.

(3) Where notice is provided in writing, notice must be sent to a supervisor or manager at the employee's principal location of employment. The burden shall be on the employee to prove that such notice was actually received by the employer.

(4) The notice, whether provided orally or in writing, shall include the time, date, place, person injured and particulars of such injury. It must be apparent from the content of the notice that the employee is claiming benefits under the workers compensation act or has suffered a work-related injury.

(b) The notice required by subsection (a) shall be waived if the employee proves that: (1) The employer or the employer's duly authorized agent had actual knowledge of the injury; (2) the employer or the employer's duly authorized agent was unavailable to receive such notice within the applicable period as provided in paragraph (1) of subsection (a); or (3) the employee was physically unable to give such notice.

(c) For the purposes of calculating the notice period proscribed in subsection (a), weekends shall be included.

Sec. 12. K.S.A. 2012 Supp. 44-523 is hereby amended to read as follows: 44-523.

(a) The director, administrative law judge or board shall not be bound by technical rules of procedure, but shall give the parties reasonable opportunity to be heard and to present evidence, ~~insure~~ ensure the employee and the employer an expeditious hearing and act reasonably without partiality.

(b) Whenever a party files an application for hearing pursuant to K.S.A. 44-534, and amendments thereto, the matter shall be assigned to an administrative law judge for hearing and the administrative law judge shall set a terminal date to require the claimant to submit all evidence in support of the claimant's claim no later than 30 days after the first full hearing before the administrative law judge and to require the respondent to submit all evidence in support of the respondent's position no later than 30 days thereafter. An extension of the foregoing time limits shall be granted if all parties agree. An extension of the foregoing time limits may also be granted:

(1) If the employee is being paid temporary or permanent total disability compensation;

(2) for medical examination of the claimant if the party requesting the extension explains in writing to the administrative law judge facts showing that the party made a diligent effort but was unable to have a medical examination conducted prior to the submission of the case by the claimant but then only if the examination appointment was set and notice of the appointment sent prior to submission by the claimant; or

(3) on application for good cause shown.

(c) When all parties have submitted the case to an administrative law judge for an award, the administrative law judge shall issue an award within 30 days. The administrative law judge shall not stay a decision due to the absence of a submission letter. When the award is not entered in 30 days, any party to the action may notify the director that an award is not entered and the director shall assign the matter to an assistant director or to a special administrative law judge who shall enter an award

forthwith based on the evidence in the record, or the director, on the director's own motion, may remove the case from the administrative law judge who has not entered an award within 30 days following submission by the party and assign it to an assistant director or to a special administrative law judge for immediate decision based on the evidence in the record.

(d) Not less than 10 days prior to the first full hearing before an administrative law judge, the administrative law judge shall conduct a prehearing settlement conference for the purpose of obtaining stipulations from the parties, determining the issues and exploring the possibility that the parties may resolve those issues and reach a settlement prior to the first full hearing.

(e) (1) If a party or a party's attorney believes that the administrative law judge to whom a case is assigned cannot afford that party a fair hearing in the case, the party or attorney may file a motion for change of administrative law judge. A party or a party's attorney shall not file more than one motion for change of administrative law judge in a case. The administrative law judge shall promptly hear the motion informally upon reasonable notice to all parties who have appeared in the case. Notwithstanding the provisions of K.S.A. 44-552, and amendments thereto, the administrative law judge shall decide, in the administrative law judge's discretion, whether or not the hearing of such motion shall be taken down by a certified shorthand reporter. If the administrative law judge disqualifies the administrative law judge's self, the case shall be assigned to another administrative law judge by the director. If the administrative law judge refuses to disqualify the administrative law judge's self, the party seeking a change of administrative law judge may, within 10 days of the refusal, file in the district court of the county in which the accident or injury occurred the affidavit provided in subsection (e)(2). If an affidavit is to be filed in the district court, it shall be filed within 10 days an appeal with the workers compensation board.

(2) ~~If a party or a party's attorney files an affidavit alleging any of the grounds specified in subsection (e)(3), the chief judge shall at once determine, or refer the affidavit to another district court judge for prompt determination of, the legal sufficiency of the affidavit. If the affidavit is filed in a district court in which there is no other judge who is qualified to hear the matter, the chief judge shall at once notify the departmental justice for the district and request the appointment of another district judge to determining the legal sufficiency of the affidavit. If the affidavit is found to be legally sufficient, the district court judge shall order the director to assign the case to another administrative law judge or to an assistant director. The party or a party's attorney shall file with the workers compensation board an affidavit alleging one or more of the grounds specified in subsection (e).~~

(3) If a majority of the workers compensation board finds legally sufficient grounds, it shall direct the director to assign the case to another administrative law judge.

~~(4)~~ (4) Grounds which may be alleged as provided in subsection (e)(2) for change of administrative law judge are that:

(A) The administrative law judge has been engaged as counsel in the case prior to the appointment as administrative law judge.

(B) The administrative law judge is otherwise interested in the case.

(C) The administrative law judge is related to either party in the case.

(D) The administrative law judge is a material witness in the case.

(E) The party or party's attorney filing the affidavit has cause to believe and does believe that on account of the personal bias, prejudice or interest of the administrative law judge such party cannot obtain a fair and impartial hearing. Such affidavit shall state the facts and the reasons for the belief that bias, prejudice or an interest exists.

~~(4)~~ (5) In any affidavit filed pursuant to subsection (e)(2), the recital of previous rulings or decisions by the administrative law judge on legal issues or concerning prior motions for change of administrative law judge filed by counsel or such counsel's law firm, pursuant to this subsection, shall not be deemed legally sufficient for any ~~believe~~ belief that bias or prejudice exists.

(6) Notwithstanding the provisions of K.S.A. 44-556, and amendments thereto, no interlocutory appeal to the court of appeals of the workers compensation appeals board's decision regarding recusal shall be allowed while the resolution of the claim for compensation is pending before an administrative law judge or the workers compensation appeals board.

(f) (1) In any claim that has not proceeded to a regular hearing, a settlement hearing, or an agreed award under the workers compensation act within three years from the date of filing an application for hearing pursuant to K.S.A. 44-534, and amendments thereto, the employer shall be permitted to file with the division an application for dismissal based on lack of prosecution. The matter shall be set for hearing with notice to the claimant's attorney, if the claimant is represented, or to the claimant's last known address. The administrative law judge may grant an extension for good cause shown, which shall be conclusively presumed in the event that the claimant has not reached maximum medical improvement, provided such motion to extend is filed prior to the three year limitation provided for herein. If the claimant cannot establish good cause, the claim shall be dismissed with prejudice by the administrative law judge for lack of prosecution. Such dismissal shall be considered a final disposition at a full hearing on the claim for purposes of employer reimbursement from the fund pursuant to subsection (b) of K.S.A. 44-534a, and amendments thereto.

(2) In any claim which has not proceeded to regular hearing within one year from the date of a preliminary award denying compensability of the claim, the employer shall be permitted to file with the division an application for dismissal based on lack of prosecution. The matter shall be set for hearing with notice to the claimant's attorney, if the claimant is represented, or to the claimant's last known address. Unless the claimant can prove a good faith reason for delay, the claim shall be dismissed with prejudice by the administrative law judge. Such dismissal shall be considered a final disposition at a full hearing on the claim for purposes of employer reimbursement from the fund pursuant to subsection (b) of K.S.A. 44-534a, and amendments thereto.

(3) This section shall not affect any future benefits which have been left open upon proper application by an award or settlement.

Sec. 13. K.S.A. 2012 Supp. 44-532a is hereby amended to read as follows: 44-532a. (a) If an employer has no insurance or has an insufficient self-insurance bond or letter of credit to secure the payment of compensation ~~or has insufficiently funded a self-insurance bond~~, as provided in subsection (b)(1) and (2) of K.S.A. 44-532, and amendments thereto, and such employer is financially unable to pay compensation to an injured worker as required by the workers compensation act, or such employer cannot be located and required to pay such compensation, the injured worker may apply to the director for an award of the compensation benefits, including medical compensation, to

which such injured worker is entitled, to be paid from the workers compensation fund. Whenever a worker files an application under this section, the matter shall be assigned to an administrative law judge for hearing. If the administrative law judge is satisfied as to the existence of the conditions prescribed by this section, the administrative law judge may make an award, or modify an existing award, and prescribe the payments to be made from the workers compensation fund as provided in K.S.A. 44-569, and amendments thereto. The award shall be certified to the commissioner of insurance, and upon receipt thereof, the commissioner of insurance shall cause payment to be made to the worker in accordance therewith.

(b) The commissioner of insurance, acting as administrator of the workers compensation fund, shall have a cause of action against the employer for recovery of any amounts paid from the workers compensation fund pursuant to this section. Such action shall be filed in the district court of the county in which the accident occurred or where the contract of employment was entered into.

Sec. 14. K.S.A. 44-557 is hereby amended to read as follows: 44-557. (a) It is hereby made the duty of every employer to make or cause to be made a report to the director of any accident, or claimed or alleged accident, to any employee which occurs in the course of the employee's employment and of which the employer or the employer's supervisor has knowledge, which report shall be made upon a form to be prepared by the director, within 28 days, after the receipt of such knowledge, if the personal injuries which are sustained by such accidents, are sufficient wholly or partially to incapacitate the person injured from labor or service for more than the remainder of the day, shift or turn on which such injuries were sustained.

(b) When such accident has been reported and subsequently such person has died, a supplemental report shall be filed with the director within 28 days after receipt of knowledge of such death, stating such fact and any other facts in connection with such death or as to the dependents of such deceased employee which the director may require. Such report or reports shall not be used nor considered as evidence before the director, any administrative law judge, the board or in any court in this state.

~~(c) No limitation of time in the workers compensation act shall begin to run unless a report of the accident as provided in this section has been filed at the office of the director if the injured employee has given notice of accident as provided by K.S.A. 44-520 and amendments thereto, except that any proceeding for compensation for any such injury or death, where report of the accident has not been filed, must be commenced by serving upon the employer a written claim pursuant to K.S.A. 44-520a and amendments thereto within one year from the date of the accident, suspension of payment of disability compensation, the date of the last medical treatment authorized by the employer, or the death of such employee referred to in K.S.A. 44-520a and amendments thereto.~~

~~(d)~~ (c) The repeated failure of any employer to file or cause to be filed any report required by this section shall be subject to a civil penalty for each violation of not to exceed \$250.

~~(e)~~ (d) Any civil penalty imposed by this section shall be recovered, by the assistant attorney general upon information received from the director, by issuing and serving upon such employer a summary order or statement of the charges with respect thereto and a hearing shall be conducted thereon in accordance with the provisions of the Kansas administrative procedure act, except that, at the discretion of the director, such

civil penalties may be assessed as costs in a workers compensation proceeding by an administrative law judge upon a showing by the assistant attorney general that a required report was not filed which pertains to a claim pending before the administrative law judge.

Sec. 15. K.S.A. 2012 Supp. 44-575 is hereby amended to read as follows: 44-575.

(a) As used in K.S.A. 44-575 through 44-580, and amendments thereto, "state agency" means the state, or any department or agency of the state, but not including the Kansas turnpike authority, the university of Kansas hospital authority, any political subdivision of the state or the district court with regard to district court officers or employees whose total salary is payable by counties.

(b) For the purposes of providing for the payment of compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto, there is hereby established the state workers compensation self-insurance fund in the state treasury. The name of the state workmen's compensation self-insurance fund is hereby changed to the state workers compensation self-insurance fund. Whenever the state workmen's compensation self-insurance fund is referred to or designated by any statute, contract or other document, such reference or designation shall be deemed to apply to the state workers compensation self-insurance fund.

(c) The state workers compensation self-insurance fund shall be liable to pay: (1) All compensation for claims arising on and after July 1, 1974, and all other amounts required to be paid by any state agency as a self-insured employer under the workers compensation act and any amendments or additions thereto; (2) the amount that all state agencies are liable to pay of the "carrier's share of expense" of the administration of the office of the director of workers' compensation as provided in K.S.A. 74-712 through 74-719, and amendments thereto, for each fiscal year; (3) all compensation for claims remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation services; (4) the cost of administering the state workers compensation self-insurance fund including the defense of such fund and any costs assessed to such fund in any proceeding to which it is a party; and (5) the cost of establishing and operating the state workplace health and safety program under subsection (f). For the purposes of K.S.A. 44-575 through 44-580, and amendments thereto, all state agencies are hereby deemed to be a single employer whose liabilities specified in this section are hereby imposed solely upon the state workers compensation self-insurance fund and such employer is hereby declared to be a fully authorized and qualified self-insurer under K.S.A. 44-532, and amendments thereto, but such employer shall not be required to make any reports thereunder.

(d) The secretary of ~~administration~~ health and environment shall administer the state workers compensation self-insurance fund and all payments from such fund shall be upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of ~~administration~~ health and environment or a person or persons designated by the secretary. The director of accounts and reports may issue warrants pursuant to vouchers approved by the secretary for payments from the state workers compensation self-insurance fund notwithstanding the fact that claims for such payments were not submitted or processed for payment from money appropriated for

the fiscal year in which the state workers compensation self-insurance fund first became liable to make such payments.

(e) The secretary of ~~administration~~ health and environment shall remit all moneys received by or for the secretary in the capacity as administrator of the state workers compensation self-insurance fund, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state workers compensation self-insurance fund.

(f) There is hereby established the state workplace health and safety program within the state workers compensation self-insurance program of the department of ~~administration~~ health and environment. The secretary of ~~administration~~ health and environment shall implement and ~~administer~~ the division of industrial health and safety of the Kansas department of labor shall assist in administering the state workplace health and safety program for state agencies. The state workplace health and safety program shall include, but not be limited to:

(1) Workplace health and safety hazard surveys in all state agencies, including onsite interviews with employees;

(2) workplace health and safety hazard prevention services, including inspection and consultation services;

(3) procedures for identifying and controlling workplace hazards;

(4) development and dissemination of health and safety informational materials, plans, rules and work procedures; and

(5) training for supervisors and employees in healthful and safe work practices.

Sec. 16. K.S.A. 2012 Supp. 44-577 is hereby amended to read as follows: 44-577.

(a) All claims for compensation under the workers compensation act against any state agency for claims arising on and after July 1, 1974, and claims for compensation remaining from the self-insurance program which existed prior to July 1, 1974, for institutional employees of the division of mental health and retardation services of the department of social and rehabilitation services shall be made against the state workers compensation self-insurance fund. Such claims shall be served upon the secretary of ~~administration~~ health and environment in the secretary's capacity as administrator of the state workers compensation self-insurance fund in the manner provided for claims against other employers under the workers compensation act. The chief attorney for the department of ~~administration~~ health and environment, or another attorney of the department of ~~administration~~ health and environment designated by the chief attorney, shall represent and defend the state workers compensation self-insurance fund in all proceedings under the workers compensation act.

(b) The secretary of ~~administration~~ health and environment shall investigate, or cause to be investigated, each claim for compensation against the state workers compensation self-insurance fund. For the purposes of such investigations, the secretary of ~~administration~~ health and environment is authorized to obtain expert medical advice regarding the injuries, occupational diseases and disabilities involved in such claims. If, based upon such investigation and any other available information, the secretary of ~~administration~~ health and environment finds that there is no material dispute as to any issue involved in the claim, that the claim is valid and that the claim should be settled by agreement, the secretary of ~~administration~~ health and environment may proceed to enter into such an agreement with the claimant, for the state workers compensation self-

insurance fund. Any such agreement may provide for lump-sum settlements subject to approval by the director and all such agreements shall be filed in the office of the director for approval as provided in K.S.A. 44-527, and amendments thereto. All other claims for compensation against such fund shall be paid in accordance with the workers compensation act pursuant to final awards or orders of an administrative law judge or the board or pursuant to orders and findings of the director under the workers compensation act.

(c) For purposes of the workers compensation act, a volunteer member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, shall be considered a person in the service of the state in connection with authorized training and upon activation for emergency response, except when such duties arise in the course of employment or as a volunteer for an employer other than the state.

Sec. 17. K.S.A. 44-578 is hereby amended to read as follows: 44-578. The secretary of ~~administration~~ health and environment may adopt rules and regulations necessary for the administration of the state workers compensation self-insurance fund, including the processing and settling of claims for compensation made against such fund. ~~Such rules and regulations shall be subject to the provisions of K.S.A. 75-3706 and amendments thereto and shall be adopted in accordance therewith.;~~

And by renumbering sections accordingly;

Also on page 26, in line 12, following "44-510j" by inserting ", 44-512, 44-557 and 44-578"; also in line 12, by striking all following "Supp."; in line 13, by striking all before "44-709" and inserting "2-224a, 44-508, 44-510d, 44-510e, 44-520, 44-523, 44-532a, 44-551, 44-555c, 44-575, 44-577,"; in line 15, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, by striking "the"; also in line 1, by striking "and"; by striking all in line 2, in line 3, by striking all before the second semicolon and inserting "; relating to the employment security act; relating to the state workplace health and safety program"; in line 4, following "44-510j" by inserting ", 44-512, 44-557 and 44-578"; also in line 4, by striking all following "Supp."; in line 5, by striking all before "44-709" and inserting "2-224a, 44-508, 44-510d, 44-510e, 44-520, 44-523, 44-532a, 44-551, 44-555c, 44-575, 44-577,";

And your committee on conference recommends the adoption of this report.

MARVIN KLEEB
 GENE SUELLENTROP
 STAN FROWNFEILER
Conferees on part of House

JULIA LYNN
 SUSAN WAGLE
 TOM HOLLAND
Conferees on part of Senate

Senator Lynn moved the Senate adopt the Conference Committee Report on **SB 187**.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher,

O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Petersen, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM 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 2, following line 10, by inserting:

"New Sec. 3. (a) On and after July 1, 2015, notwithstanding any other law to the contrary, for any order of support required to be paid through the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 2012 Supp. 39-7,135, and amendments thereto, regardless of when such order was entered or modified, amounts collected by such central unit shall be distributed in accordance with rules and regulations adopted by the secretary of the department for children and families. Such rules and regulations shall be based on child support distribution requirements as set forth in part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., as amended, and federal regulations promulgated pursuant thereto.

(b) Prior to July 1, 2015, the secretary of the department for children and families shall adopt rules and regulations to implement the provisions of this section. Such rules and regulations shall not become effective until July 1, 2015.

New Sec. 4. (a) Except as otherwise provided in this section, an income withholding order for attachment of a lump sum payment shall have the effect of attaching: (1) Any intangible property, funds, credits or other indebtedness of a non-recurring nature belonging or owing to the obligor which is due from the payor or in the possession or under the control of the payor at the time of service of the order; and (2) all such personal property becoming due to the obligor between the time the order is served on the payor and the 35th day after the date the order is served.

(b) The payor shall hold the attached funds, credits or indebtedness at least 14 days following the date the income withholding order for attachment of a lump sum payment was served. Thereafter, except as otherwise provided in this section, the payor shall remit the amount attached no later than the date the lump sum payment would have been paid to the obligor or 21 days after the date the order was served, whichever is later.

(c) The payor shall hold the attached funds, credits or indebtedness until further order of the court if, before remitting funds pursuant to subsection (b), the payor receives notice of a hearing on the obligor's claim of exemption concerning the income withholding order for attachment of a lump sum payment.

(d) This section shall be part of and supplemental to the income withholding act, K.S.A. 2012 Supp. 23-3101 et seq., and amendments thereto.

New Sec. 5. (a) Immediately following the date the income withholding order for attachment of a lump sum payment is served on the payor, the person or public office seeking the withholding shall send a notice to the obligor, notifying the obligor: (1) That

an income withholding order to attach a lump sum payment has been served on the payor and the effect of such order; (2) of the obligor's right to assert any claim of exemption allowed under the income withholding act; and (3) of the obligor's right to a hearing on such claim. The notice shall be substantially in compliance with the form developed pursuant to K.S.A. 2012 Supp. 23-3113, and amendments thereto, and shall contain a description of the exemptions that are applicable under the income withholding act and the procedure by which the obligor can assert any claim of exemption.

(b) If the obligor requests a hearing to assert any claim of exemption, the request shall be filed no later than 10 days following the date the notice is served on the obligor. If a hearing is requested, the hearing shall be held by the court no sooner than five days nor later than 10 days after the request is filed. At the time the request for hearing is filed, the obligor shall obtain from the clerk of the court the date and time for the hearing which shall be noted on the request form. Immediately after the request for hearing is filed, the obligor shall hand-deliver or mail, by first-class mail, a copy of the request for hearing to the payor and to the person or public office seeking the withholding or such person's attorney, if the person is represented by an attorney.

(c) If a hearing is held, the obligor shall have the burden of proof to show that some or all of the property subject to the withholding is exempt, and the court shall enter an order determining the exemption and such other order as is appropriate.

(d) This section shall be part of and supplemental to the income withholding act, K.S.A. 2012 Supp. 23-3101 et seq., and amendments thereto.

New Sec. 6. (a) (1) The secretary of the department for children and families may collect, pursuant to the income withholding act, K.S.A. 2012 Supp. 23-3101 et seq., and amendments thereto, support owed in a title IV-D case from unemployment insurance benefits payable to the obligor. Such collections may be remitted directly to the secretary. The secretary, and any other agency affected, shall use electronic processes to the greatest extent feasible.

(2) All provisions of the income withholding act shall apply to the withholding of support from unemployment insurance benefits from the state employment security agency, which shall be considered a payor for the purposes of the income withholding act, except that any cost recovery fee as a result of such withholding shall be paid by the department for children and families and shall not be paid by the obligor.

(b) If the secretary of the department for children and families receives an income withholding collection directly from another state agency for a debtor with more than one income withholding order and the payor agency does not identify the amount to be applied to each withholding order, the secretary may apply the collection in any manner allowed under title IV-D, provided that all current support due for the month under the withholding orders is satisfied first.

(c) This section shall be part of and supplemental to the income withholding act, K.S.A. 2012 Supp. 23-3101 et seq., and amendments thereto.

Sec. 7. K.S.A. 2012 Supp. 23-3102 is hereby amended to read as follows: 23-3102. As used in the income withholding act:

(a) "Arrearage" means the total amount of unpaid support which is due and unpaid under an order for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement, an

arrearage equal to or greater than the amount of support payable for one month exists on the date the order for support is entered.

(b) "Business day" means a day on which state offices in Kansas are open for regular business.

(c) "Health benefit plan" means any benefit plan, other than public assistance, which is able to provide hospital, surgical, medical, dental or any other health care or benefits for a child, whether through insurance or otherwise, and which is available through a parent's employment or other group plan.

(d) "Income" means any form of ~~periodic~~ payment to an individual, regardless of source, including, but not limited to, wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits, workers compensation and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply. Workers compensation shall be considered income only for the purposes of child support and not for the purposes of maintenance. Unemployment insurance benefits shall be considered income for purposes of this act when such funds are sought by the secretary of the department for children and families, or the secretary's designee, in administration of the title IV-D program.

(e) "Income withholding agency" means the department for children and families.

~~(e)~~ (f) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for support or to defray an arrearage.

(g) "Lump sum payment" means income in the form of a bonus, commission, an amount paid in lieu of vacation or other leave time, or any other payment to an obligor. "Lump sum payment" does not include payments made on regular paydays as compensation, reimbursement of expenses incurred by the obligor on behalf of the payor, or an amount paid as severance pay on termination of employment.

~~(h)~~ (h) "Medical child support order" means an order requiring a parent to provide coverage for a child under a health benefit plan and, where the context requires, may include an order requiring a payor to enroll a child in a health benefit plan.

~~(g)~~ (i) "Medical withholding order" means an income withholding order which requires an employer, sponsor or other administrator of a health benefit plan to enroll a child under the health coverage of a parent.

~~(h)~~ (j) "Nonparticipating parent" means, if one parent is a participating parent as defined in this section, the other parent.

~~(i)~~ (k) "Obligee" means the person or entity to whom a duty of support is owed.

~~(j)~~ (l) "Obligor" means any person who owes a duty to make payments or provide health benefit coverage under an order for support.

~~(k)~~ (m) "Order for support" means any order of a court, or of an administrative agency authorized by law to issue such an order, which provides for payment of funds for the support of a child, or for maintenance of a spouse or ex-spouse, and includes an

order which provides for modification or resumption of a previously existing order; payment of uninsured medical expenses; payment of an arrearage accrued under a previously existing order; a reimbursement order, including, but not limited to, an order established pursuant to K.S.A. 39-718a or 39-718b, and amendments thereto; an order established pursuant to K.S.A. 23-451 et seq., and amendments thereto; or a medical child support order.

(+) (n) "Participating parent" means a parent who is eligible for single coverage under a health benefit plan as defined in this section, regardless of the type of coverage actually in effect, if any.

(+) (o) "Payor" means any person or entity owing income to an obligor or any self-employed obligor and includes, with respect to a medical child support order, the sponsor or administrator of a health benefit plan.

(p) "Periodic payment" means wages, salary, royalties, trust payments, annuity payments, retirement payments and any other regularly occurring, scheduled payment to an obligor.

(+) (q) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any subcontractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for support, including but not limited to the department of social and rehabilitation services, court trustees, county or district attorneys and other subcontractors.

(+) (r) "Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.), and amendments thereto, as in effect on December 31, ~~1999~~ 2009. "Title IV-D cases" means those cases required by title IV-D to be processed by the department of ~~social and rehabilitation services for children and families~~ under the state's plan for providing title IV-D services.

Sec. 8. K.S.A. 2012 Supp. 23-3103 is hereby amended to read as follows: 23-3103.

(a) Any new or modified order for support shall include a provision for the withholding of income to enforce the order for support.

(b) Except as otherwise provided in subsection (j), (k) or (+) (m), all new or modified orders for support shall provide for immediate issuance of an income withholding order. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for support is entered. The income withholding order shall be issued without further notice to the obligor and shall specify ~~an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for support is entered.~~

(1) If the income withholding order is to attach to periodic payments, an amount sufficient to satisfy the order for support and to defray any arrearage; or

(2) if the income withholding order is to attach a lump sum payment, the amount the payor is required to withhold for support from the lump sum payment.

(c) Except as otherwise provided in this subsection or subsections (j) or (+) (m), if no income withholding order is in effect to enforce the support order, an income withholding order shall be issued by the court upon request of the obligee or public office, provided that the obligor accrued an arrearage equal to or greater than the amount of support payable for one month and the requirements of subsections (d) and

(h) have been met. The income withholding order shall be issued without further notice to the obligor and shall specify an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the income withholding order is issued.

(d) Not less than seven days after the obligee or public office has served a notice pursuant to subsection (h), the obligee or public office may initiate income withholding pursuant to paragraph (1) or (2).

(1) The obligee or public office may apply for an income withholding order by filing with the court an affidavit stating: (A) The date that the notice was served on the obligor and the manner of service; (B) that the obligor has not filed a motion to stay issuance of the income withholding order or, if a motion to stay has been filed, the reason an income withholding order must be issued immediately; (C) a specified amount to be withheld by the payor to satisfy the order of support and to defray any arrearage; (D) whether the income withholding order is to include a medical withholding order; and (E) that the amount of the arrearage as of the date the notice to the obligor was prepared was equal to or greater than the amount of support payable for one month. In addition to any other penalty provided by law, the filing of such an affidavit with knowledge of the falsity of a material declaration is punishable as a contempt.

Upon the filing of the affidavit, the income withholding order shall be issued without further notice to the obligor, hearing or amendments of the support order. Payment of all or part of the arrearage before issuance of the income withholding order shall not prevent issuance of the income withholding order, unless the arrearage is paid in full and the order for support does not include an amount for the current support of a person. No affidavit is required if the court, upon hearing a motion to stay issuance of the income withholding order or otherwise, issues an income withholding order.

(2) In a title IV-D case, the IV-D agency may issue an income withholding order as authorized by K.S.A. 39-7,147, and amendments thereto. Any such income withholding order shall be considered an income withholding order issued pursuant to this act.

(e) (1) An income withholding order shall be directed to any payor of the obligor. Notwithstanding any other requirement of this act as to form or content, ~~any only an~~ income withholding order prepared in a standard format prescribed by the secretary of ~~social and rehabilitation services~~ the department for children and families, or the standard federal notices and forms promulgated under 42 U.S.C. § 652 (a)(11) and 42 U.S.C. § 666 (b)(A)(ii), shall be deemed to be in compliance with this act.

(2) An income withholding order which does not include a medical withholding order shall require the payor to withhold from any income due, or to become due, to the obligor a specified amount sufficient to satisfy the order of support and to defray any arrearage and shall include notice of and direction to comply with the provisions of K.S.A. 2012 Supp. 23-3104 and 23-3105, and amendments thereto.

(3) An income withholding order which consists only of a medical withholding order shall include notice of the medical child support order and shall conform to the requirements of K.S.A. 2012 Supp. 23-3116, and amendments thereto. The medical withholding order shall include notice of and direction to comply with the requirements of K.S.A. 2012 Supp. 23-3104, 23-3105, 23-3114 and 23-3117, and amendments thereto.

(4) An income withholding order which includes both a medical withholding order and an income withholding order for cash support shall meet the requirements of paragraphs (2) and (3).

(f) (1) Upon written request and without the requirement of further notice to the obligor, the clerk of the district court shall cause a copy of the income withholding order to be served on the payor ~~only by personal service or registered mail, return receipt requested by first-class mail.~~

(2) Without the requirement of further notice to the obligor, the court trustee or IV-D agency may cause a copy of any income withholding order to be served on the payor ~~only by personal service or registered mail, return receipt requested by first-class mail~~ or by any alternate method acceptable to the payor, including, but not limited to: Facsimile transmission, electronic mail attachment or electronic interface allowing for the download of a document or transmission of the terms of the income withholding order. No payor shall be liable to any person solely because of the method of service accepted by the payor.

(3) As used in this section, "copy of the income withholding order" means a copy of any document or notice, regardless of copy format, that advises the payor of the same general duties, requires the same amount to be withheld from income and requires medical withholding to the same extent as the original income withholding order that complies with the requirements of subsection (e)(1).

(g) An income withholding order shall be binding on any existing or future payor on whom a copy of the order is served and shall require the continued withholding of income from each periodic payment of income until further order of the court or agency that issued the income withholding order. At any time following issuance of an income withholding order, a copy of the income withholding order may be served on any payor without the requirement of further notice to the obligor.

(h) Except as provided in subsection (k) or ~~(j)~~ (m), at any time following entry of an order for support the obligee or public office may serve upon the obligor a written notice of intent to initiate income withholding. If any notice in the court record indicates that title IV-D services are being provided in the case, whether or not the IV-D services include enforcement of current support, the person or public office requesting issuance of the income withholding order shall obtain the consent of the IV-D agency to the terms of the proposed income withholding order.

The notice of intent to initiate income withholding shall be served on the obligor ~~only~~ by personal service, first-class mail or registered mail, return receipt requested. The notice served on the obligor must state: (1) The terms of the order of support and the total arrearage as of the date the notice was prepared; (2) the amount of income that will be withheld, not including premiums to satisfy a medical withholding order; (3) whether a medical withholding order will be included; (4) that the provision for withholding applies to any current or subsequent payor; (5) the procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact concerning the amount of the support order, the amount of the arrearage, the amount of income to be withheld or the proper identity of the obligor; (6) the period within which the obligor must act to stay issuance of the income withholding order and that failure to take such action within the specified time will result in payors' being ordered to begin withholding; and (7) the action which will be taken if the obligor contests the withholding.

The obligor may, at any time, waive in writing the notice required by this subsection.

(i) On request of an obligor, the court shall issue an income withholding order which shall be honored by a payor regardless of whether there is an arrearage. Nothing in this subsection shall limit the right of the obligee to request modification of the income withholding order.

(j) (1) In a nontitle IV-D case, upon presentation to the court of a written agreement between the parties providing for an alternative arrangement, no income withholding order shall be issued pursuant to subsection (b). In any case, before entry of a new or modified order for support, a party may request that no income withholding order be issued pursuant to subsection (b) if notice of the request has been served on all interested parties and: (A) The party demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or (B) a written agreement among all interested parties provides for an alternative arrangement. If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has determined that good cause has been shown that direct child support payments to the obligee may be made, then the court shall provide for direct maintenance payments to the obligee and no income withholding order shall be issued pursuant to subsection (b). In a title IV-D case, the determination that there is good cause not to require immediate income withholding must include a finding that immediate income withholding would not be in the child's best interests and, if an obligor's existing obligation is being modified, proof of timely payment of previously ordered support.

(2) Notwithstanding the provisions of subsection (j)(1), the court shall issue an income withholding order when an affidavit pursuant to subsection (d) is filed if an arrearage exists in an amount equal to or greater than the amount of support payable for one month.

(3) If a notice pursuant to subsection (h) has been served in a title IV-D case, there is no arrearage or the arrearage is less than the amount of support payable for one month, and the obligor files a motion to stay issuance of the income withholding order based upon the court's previous finding of good cause not to require immediate income withholding pursuant to subsection (j)(1), the obligor must demonstrate the continued existence of good cause. Unless the court again finds that good cause not to require immediate income withholding exists, the court shall issue the income withholding order.

(4) If a notice pursuant to subsection (h) has been served in a title IV-D case, there is no arrearage or the arrearage is less than the amount of support payable for one month, and the obligor files a motion to stay issuance of an income withholding order based upon a previous agreement of the interested parties for an alternative arrangement pursuant to subsection (j)(1), the court shall issue an income withholding order, notwithstanding any previous agreement, if the court finds that:

- (A) The agreement was not in writing;
- (B) the agreement was not approved by all interested parties;
- (C) the terms of the agreement or alternative arrangement are not being met;
- (D) the agreement or alternative arrangement is not in the best interests of the child;

or

(E) the agreement or alternative arrangement places an unnecessary burden upon the obligor, obligee or a public office.

(5) The procedures and requirements of K.S.A. 2012 Supp. 23-3106, and

amendments thereto, apply to any motion pursuant to paragraph (3) or (4) of this subsection.

(k) (1) An ex parte interlocutory order for support may be enforced pursuant to subsection (b) only if the obligor has consented to the income withholding in writing.

(2) An ex parte interlocutory order for support may be enforced pursuant to subsection (c) only if 14 or more days have elapsed since the order for support was served on the obligor.

(3) Any other interlocutory order for support may be enforced by income withholding pursuant to this act in the same manner as a final order for support.

(4) No bond shall be required for the issuance of an income withholding order to enforce an interlocutory order pursuant to this act.

(l) All remittances from any income withholding order, regardless of when such order was entered or modified, shall be required to be directed to the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 2012 Supp. 39-7,135, and amendments thereto.

~~(h)~~ (m) All new or modified orders for maintenance of a spouse or ex-spouse, except orders for a spouse or ex-spouse living with a child for whom an order of support is also being enforced, entered on or after July 1, 1992, shall include a provision for the withholding of income to enforce the order of support. Unless the parties consent in writing to earlier issuance of a withholding order, withholding shall take effect only after there is an arrearage in an amount equal to or greater than the amount of support payable for two months and after service of a notice as provided in subsection (h).

Sec. 9. K.S.A. 2012 Supp. 23-3104 is hereby amended to read as follows: 23-3104.

(a) It shall be the affirmative duty of any payor to respond within 10 days to written or electronic requests for information presented by the public office concerning: (1) The full name of the obligor; (2) the current address of the obligor; (3) the obligor's social security number; (4) the obligor's work location; (5) the number of the obligor's claimed dependents; (6) the obligor's gross income; (7) the obligor's net income; (8) an itemized statement of deductions from the obligor's income; (9) the obligor's pay schedule; (10) the obligor's health insurance coverage; and (11) whether or not income owed the obligor is being withheld pursuant to this act. This is an exclusive list of the information that the payor is required to provide under this section.

(b) It shall be the duty of any payor who has been served a copy of an income withholding order for payment of an order for cash support that meets the requirements of subsection ~~(h)~~ (i) to deduct and pay over income as provided in this section. The payor shall begin the required deductions no later than the next payment of income due the obligor after 14 days following service of the order on the payor.

(c) Within seven business days of the time the obligor is normally paid, the payor shall pay the amount withheld as directed by the income withholding agency pursuant to K.S.A. 2012 Supp. 23-3105, and amendments thereto, as directed by the income withholding order or by a rule of the Kansas supreme court. The payor shall identify each payment with the name of the obligor, the county and case number of the income withholding order, and the date the income was withheld from the obligor. The payor shall pay the amounts withheld and identify each payment in the same business day. A payor subject to more than one income withholding order payable to the same payee may combine the amounts withheld into a single payment, but only if the amount attributable to each income withholding order is clearly identified. Premiums required

for a child's coverage under a health benefit plan shall be remitted as provided in the health benefit plan and shall not be combined with any other support payment required by the income withholding order.

(d) The payor shall continue to withhold income as required by the income withholding order until further order of the court or agency.

(e) From income due the obligor, the payor may withhold and retain to defray the payor's costs a cost recovery fee of \$5 for each pay period for which ~~income support~~ is withheld ~~from a periodic payment~~ or \$10 for each month for which ~~income support~~ is withheld ~~from a periodic payment~~, whichever is less. For income withholding from a lump sum payment, a cost recovery fee of up to \$10 per withholding may be withheld by the payor and shall be in addition to any cost recovery fee charged for withholding from periodic payments. Any such cost recovery fee shall be in addition to the amount withheld as support.

(f) The entire sum withheld by the payor, including the cost recovery fee and premiums due from the obligor which are incurred solely because of a medical withholding order, shall not exceed ~~the limits provided for under section 303(b)~~ 50% of the obligor's disposable income as defined by section 302(b) of the consumer credit protection act (15 U.S.C. § 1673(b)) 1672(b). If amounts of earnings required to be withheld exceed the maximum amount of earnings which may be withheld ~~according to the consumer credit protection act under this section~~, priority shall be given to payment of current and past due support, and the payor shall promptly notify the holder of the limited power of attorney of any nonpayment of premium for a health benefit plan on the child's behalf. An income withholding order issued pursuant to this act shall not be considered a wage garnishment as defined in subsection (b) of K.S.A. 60-2310, and amendments thereto. If amounts of earnings required to be withheld in accordance with this act are less than the maximum amount of earnings which could be withheld according to section 303(b) of the consumer credit protection act, 15 U.S.C. § 1673(b), the payor shall honor garnishments filed by other creditors to the extent that the total amount taken from earnings does not exceed consumer credit protection act limitations.

(g) A payor who has been served an income withholding order by the IV-D agency which includes an amount to defray an arrearage shall contact the IV-D agency no less than 14 days prior to making payment of any lump sum amount to the obligor. The payor may make payment of the lump sum to the obligor once 14 days have passed after providing such contact unless additional process, or notice of intended process, has been received.

~~(g)~~ (h) The payor shall promptly notify the court or agency that issued the income withholding order of the termination of the obligor's employment or other source of income, or the layoff of the obligor from employment, and provide the obligor's last known address and the name and address of the individual's current employer, if known.

~~(h)~~ (i) A payor who complies with a copy of an income withholding order that is regular on its face shall not be subject to civil liability to any person or agency for conduct in compliance with the income withholding order. As used in this section, "regular on its face" means a completed document ~~in the standard format for any income withholding notice that has been adopted by the United States secretary of health and human services in a final rule or a certified copy of the income withholding order that is in compliance with subsection (e)(1) of K.S.A. 2012 Supp. 23-3103, and amendments thereto.~~

(j) Except as provided further, if any payor violates the provisions of this act, the court may enter a judgment against the payor for the total amount which should have been withheld and paid over. If the payor, without just cause or excuse, fails to pay over income within the time established in subsection (c) and the obligee files a motion to have such income paid over, the court shall enter a judgment against the payor and in favor of the obligee for three times the amount of the income owed and reasonable attorney fees. If the payor, without good cause, fails to pay over the income and identify each payment in the same business day, the court shall enter a judgment against the payor and in favor of the obligee for twice the amount of the cost recovery fee, as established in subsection (e), per obligor.

(k) In addition to any judgment authorized by subsection (i), a payor shall be subject to a civil penalty not exceeding \$500 and other equitable relief as the court considers proper if the payor: (1) Discharges, refuses to employ or takes disciplinary action against an obligor subject to an income withholding order because of such withholding and the obligations or additional obligations which it imposes upon the payor; or (2) fails to withhold support from income or to pay such amounts in the manner required by this act.

(l) The provisions of this section as amended by this act shall apply to all income withheld on or after July 1, 2013, regardless of when the applicable income withholding order was entered or modified.

Sec. 10. K.S.A. 2012 Supp. 23-3105 is hereby amended to read as follows: 23-3105. (a) An income withholding order shall have priority over any other legal process under state law against the same income. Withholding of income under this section shall be made without regard to any prior or subsequent garnishments, attachments, wage assignments or other claims of creditors.

(b) Except as provided by K.S.A. 60-2310, and amendments thereto, any state law which limits or exempts income from legal process or the amount or percentage of income that can be withheld shall not apply to withholding income under this act.

(c) Subject to the provisions of K.S.A. 2012 Supp. 23-36,503, and amendments thereto, if more than one income withholding order requires withholding from the same source of income of a single obligor, the payor shall withhold and disburse as ordered the total amount required by all income withholding orders if such amount does not exceed the limits of subsection (f) of K.S.A. 2012 Supp. 23-3104, and amendments thereto, ~~as shown in the withholding order which specifies the highest percentage of income allowed to be withheld.~~ If the total amount required by all income withholding orders, including premiums due from the obligor which are incurred solely because of a medical withholding order, exceeds such limits, the payor shall withhold the amount permitted to be withheld under such limits and from the amount withheld the payor shall retain any cost recovery fee charged by the payor. The remaining funds shall first be prorated by the payor among all income withholding orders for the obligor that require payment of current support. When all current support for the month has been satisfied, any remaining funds shall be prorated among all income withholding orders for the obligor that require payment of an amount for arrearages. With respect to a medical withholding order, the payor shall promptly notify the affected holder of the limited power of attorney of any nonpayment of premium. The payor may request assistance from the income withholding agency in determining the amount to be disbursed for each income withholding order, but such assistance shall not relieve the

payor from any responsibility under this act. Upon request of a public office or of any obligee whose income withholding order is affected by this subsection, the payor shall provide the county, case number and terms of all the obligor's income withholding orders.

(d) The provisions of this section as amended by this act shall apply to all income withheld on or after July 1, ~~1992~~ 2012, regardless of when the applicable income withholding order was entered or modified.

Sec. 11. K.S.A. 2012 Supp. 39-7,147 is hereby amended to read as follows: 39-7,147. (a) Except as otherwise provided in K.S.A. 39-7,149 or K.S.A. 2012 Supp. 23-3103, and amendments thereto, if no income withholding order is in effect to enforce a support order in a title IV-D case, an income withholding order may be entered by the secretary. A notice of intent to initiate income withholding, as described in K.S.A. 2012 Supp. 23-3103, and amendments thereto, shall be served on the responsible parent at least seven days before the secretary issues the income withholding order. If the amount of arrearages is less than the amount of current support due for one month, the requirements of subsection (d) must be met. The income withholding order shall conform to the requirements of the income withholding act, and amendments thereto and shall have the same force and effect as an income withholding order issued by a district court of this state.

(b) If an income withholding order is issued by the secretary to enforce a support order entered by a court of this state, the original document shall be delivered for filing to the clerk of the court that entered the support order. Thereafter, if the secretary is no longer providing title IV-D services in the case, the clerk of the district court shall use the income withholding order issued by the secretary in the same manner as an income withholding order issued by the court.

(c) If an income withholding order is issued by the secretary to enforce a support order entered by a tribunal of another state, the secretary shall transmit a copy of the income withholding order to the tribunal of the other state.

(d) If there are no arrearages or the amount of arrearages under the support order is less than the amount of current support due for one month, the secretary may initiate income withholding only if:

- (1) Any arrearages are owed;
- (2) a medical child support order exists;
- (3) the secretary determines that immediate issuance of the income withholding order was required by K.S.A. 2012 Supp. 23-3103, and amendments thereto, or by a similar law of another state, but no income withholding order was entered;
- (4) the responsible parent consents;
- (5) required payments have been received after the due date at least twice within the preceding 12 months, regardless of whether any arrearages are owed; or
- (6) the support order was entered by a tribunal of another state.

(e) If the support order was entered by or registered with a court of this state, the notice of intent to initiate income withholding shall be served on the responsible parent by ~~only~~ personal service, first-class mail or registered mail, return receipt requested. In all other cases, the notice of intent to initiate income withholding shall be served upon the responsible parent only by personal service or registered mail, return receipt requested.

Sec. 12. K.S.A. 39-7,148 is hereby amended to read as follows: 39-7,148. (a) At

any time after issuing an income withholding order, the secretary shall: (1) Modify or terminate the income withholding order because of a modification or termination of the underlying support order; (2) modify the amount of income withheld to reflect payment in full of the arrearages; (3) modify or terminate the income withholding order to reflect the final order in a fair hearing pursuant to K.S.A. 75-3306, and amendments thereto; or (4) modify, or when appropriate terminate, an income withholding order consisting in whole or in part of a medical withholding order because of a modification or termination of the underlying medical child support order.

(b) In addition to modifications required by subsection (a), at any time the secretary may issue a modified income withholding order: (1) To change the amount to be withheld to defray arrearages; or (2) to conform the terms of a medical withholding order to the requirements of a payer. The provisions of this subsection shall apply only to income withholding orders issued pursuant to K.S.A. 39-7,147, and amendments thereto, including any modifications of such orders.

(c) The secretary shall provide notice of any proposed modification to the responsible parent by ~~only~~ personal service, first-class mail or registered mail, return receipt requested, at least 14 days before entry of the modified income withholding order. The responsible parent may request: (1) An administrative hearing pursuant to K.S.A. 75-3306, and amendments thereto, for review of the proposed modification by complying with procedures established by the secretary within ten days after service of the notice; or (2) a de novo court review pursuant to K.S.A. 39-7,139, and amendments thereto. If the notice is served by mail, the time for requesting review shall be extended by three days. If the proposed modification increases the total amount to be withheld from the responsible parent's income, entry of the modified income withholding order shall be stayed pending resolution of the review. In all other instances, entry of the proposed modification shall be stayed only for cause. The issues in the administrative hearing shall be limited to whether the amount of current support is as stated in the proposed modification and whether the total arrearages are less than the proposed installment to defray arrearages.

(d) The responsible parent may request that the secretary terminate an income withholding order for cash support if: (1) Withholding has not previously been terminated and reinitiated; and (2) there is a written agreement among the parties that provides for an alternative arrangement. If an income withholding order is terminated and the obligor subsequently accrues any arrearages, the secretary may issue another income withholding order as provided in K.S.A. 39-7,147, and amendments thereto.

(e) If the income withholding order includes both a medical withholding order and an income withholding order for cash support, modification or termination of one portion of the income withholding order shall not modify or terminate any other portion of the income withholding order except as expressly provided in the order.

(f) The provisions of K.S.A. 39-7,147, and amendments thereto, relating to transmitting income withholding orders to the tribunal that issued the underlying support order, shall apply to any order issued modifying or terminating income withholding that is issued pursuant to this section.";

And by redesignating sections accordingly;

On page 2, in line 11, after "K.S.A." by inserting "39-7,148 and K.S.A."; also in line 11, by striking the first "and" and inserting a comma; also in line 11, after "23-2704" by inserting ", 23-3102, 23-3103, 23-3104, 23-3105 and 39-7,147";

On page 1, in the title, in line 2, after "process;" by inserting "enforcement of support orders;"; also in line 2, after "K.S.A." by inserting "39-7,148 and K.S.A."; in line 3, by striking the first "and" and inserting a comma; also in line 3, after "23-2704" by inserting ", 23-3102, 23-3103, 23-3104, 23-3105 and 39-7,147";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2015**.

On roll call, the vote was: Yeas 38; Nays 1; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Haley.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2183** 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 26, after "be" by inserting "medically"; also in line 26, after "necessary" by inserting "and reasonable"; in line 39, after "in" by inserting "K.S.A. 65-116a and 65-128 made by"; by striking all in lines 41 and 42 and inserting:

"Sec. 4. K.S.A. 65-157 is hereby amended to read as follows: 65-157. The analysis of all waters required in the rules and regulations shall be made by the office of laboratory services of the department of health and environment and the fees collected under the provisions of this act by the secretary of health and environment shall be remitted by the secretary 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 office of laboratory services operating fund.

Sec. 5. K.S.A. 65-1,109a is hereby amended to read as follows: 65-1,109a. (a) The secretary of health and environment may adopt rules and regulations establishing: (1) Procedures and qualifications for certification of laboratories performing analyses

required pursuant to K.S.A. 65-161 et seq., 65-171d, 65-3001 et seq., 65-3401 et seq. or 65-3430 et seq. or K.S.A. 65-3452a et seq. or 65-34,105 et seq., and amendments thereto; and (2) a schedule of fees to defray all or part of the costs of administering the certification program. Such fees shall not be refundable. Failure to pay assessed fees shall be cause for denial of certification.

(b) Any person who violates any provision of the rules and regulations adopted under this act shall, after notice and hearing in accordance with the Kansas administrative procedure act, be subject to suspension, denial or revocation of any certification granted hereunder and a civil penalty not to exceed \$500. Each day a violation continues shall be deemed a separate violation.

(c) The secretary of health and environment shall remit all moneys received from fees or penalties pursuant to 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 state general fund office of laboratory services operating fund.

Sec. 6. K.S.A. 75-5608 is hereby amended to read as follows: 75-5608. (a) There is hereby established under the supervision of the secretary of health and environment, an office of laboratory services. The office of laboratory services shall provide laboratory information and perform laboratory tests and experiments as directed by the secretary of health and environment and shall exercise such other powers, duties and functions as the secretary of health and environment may direct.

(b) The secretary may adopt rules and regulations for the collection and biological or chemical analysis of samples received by the office of laboratory services. The secretary, by adoption of rules and regulations, may fix fees for any biological or chemical analysis services provided by the office of laboratory services and waive any such fees whenever the secretary finds that waiver is in the interest of protecting the public health and safety. The secretary shall waive fees for such services provided to public health departments and state hospitals. Fees charged and collected shall not exceed the actual cost of the analysis and testing provided by the office of laboratory services.

(c) Fees collected under this section shall be remitted by the secretary 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 office of laboratory services operating fund.

New Sec. 7. (a) There is hereby created in the state treasury the office of laboratory services operating fund. Expenditures from the office of laboratory services operating fund shall be used by the department of health and environment only for the purposes of operating the office of laboratory services. All such expenditures from the office of laboratory services operating 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 secretary of health and environment or the secretary's designee.

(b) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the office of laboratory services operating fund interest earnings based on:

(1) The average daily balance of moneys in the office of laboratory services operating fund, for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 8. K.S.A. 2012 Supp. 65-6821 is hereby amended to read as follows: 65-6821. ~~(a)~~ K.S.A. 2012 Supp. 65-6821 through 65-6834 and section 20, and amendments thereto, shall be known and may be cited as the Kansas health information technology and exchange act.

~~(b)~~ This section shall take effect on and after July 1, 2011.

Sec. 9. K.S.A. 2012 Supp. 65-6822 is hereby amended to read as follows: 65-6822. As used in the Kansas health information technology and exchange act:

(a) "Act" means the Kansas health information technology and exchange act.

(b) "Approved ~~HO~~ health information organization" means a health information organization operating in the state ~~which has been approved by the corporation under a valid certificate of authority issued by the department.~~

(c) "~~Corporation~~" means the Kansas health information exchange, inc., created by executive order 10-06. "Authorization" means a document that permits a covered entity to use or disclose protected health information for purposes other than to carry out treatment, payment or health care operations, and that complies with the requirements of 45 C.F.R. § 164.508.

(d) "~~Covered entity~~" means a health care provider, a health care component of a hybrid entity, a health plan or a health care clearinghouse a covered entity as the term is defined in 45 C.F.R. § 160.103.

(e) "Designated record set" means designated record set as that term is defined by the HIPAA privacy rule. "Department" means the Kansas department of health and environment.

(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)~~ (h) "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)~~ (i) "Health information" means health information as that term is defined by the HIPAA privacy rule.

~~(m)~~ (i) "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 sharing of health information-exchange.

~~(n)~~ (k) "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) the sharing of health information—exchange electronically; (4) electronic order entry; and (5) electronic decision support.

~~(e)~~ "Health plan" means a health plan, as that term is defined by the HIPAA privacy rule, ~~doing business within the state.~~

~~(f)~~(l) "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.

~~(g)~~ "Hybrid entity" means hybrid entity as that term is defined by the HIPAA privacy rule.

~~(h)~~(m) "Individual" means individual as that term is defined by the HIPAA privacy rule.

~~(i)~~(n) "Individually identifiable health information" means individually identifiable health information as that term is defined by the HIPAA privacy rule.

~~(j)~~ "Interoperability" means the capacity of two or more information systems to exchange information or data in an accurate, effective, secure and consistent manner.

~~(k)~~(o) "Participation agreement" means a written agreement between a covered entity and an approved ~~HIO~~ health information organization concerning the covered entity's participation in the approved ~~HIO~~ health information organization on terms consistent with K.S.A. 2012 Supp. 65-6832, and amendments thereto.

~~(l)~~(p) "Personal representative" means the person who has the legal authority to act on behalf of an individual.

~~(m)~~(q) "Protected health information" means protected health information as that term is defined by the HIPAA privacy rule.

~~(n)~~ "Public health authority" means public health authority as that term is defined by the HIPAA privacy rule.

~~(o)~~(r) "Secretary" means the secretary of health and environment.

~~(p)~~ "Standard authorization form" means the standard authorization form developed and promulgated by the secretary pursuant to K.S.A. 2012 Supp. 65-6826, and amendments thereto.

~~(q)~~(s) "State" means the state of Kansas.

~~(r)~~(t) "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.~~

Sec. 10. K.S.A. 2012 Supp. 65-6823 is hereby amended to read as follows: 65-6823. ~~(a)~~ 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~~ the sharing of health information electronically.

~~(b) This section shall take effect on and after July 1, 2011.~~

Sec. 11. K.S.A. 2012 Supp. 65-6824 is hereby amended to read as follows: 65-6824. (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, collected, used or disseminated by or for 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).

~~(c) This section shall take effect on and after July 1, 2011.~~

Sec. 12. K.S.A. 2012 Supp. 65-6825 is hereby amended to read as follows: 65-6825. (a) No covered entity shall use or disclose protected health information except as follows:

(1) ~~Use and disclosure of protected health information~~ In a manner 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 in a manner~~ 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 in a manner~~ 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 A covered entity may disclose an individual's protected health information to a health information organization without an authorization if such covered entity:~~

(1) Is a party to a current participation agreement with an approved ~~HIO~~ health information organization at the time the disclosure is made;

(2) discloses the individual's protected health information to that approved ~~HIO~~ health information organization in a manner consistent with the ~~approved HIO's~~ established procedures of the approved health information organization; and

(3) ~~prior to the disclosure, has furnished~~ furnishes to the individual, or such individual's personal representative, whose information is to be disclosed to the approved ~~HIO~~ health information organization, the notice required under K.S.A. 2012 Supp. 65-6832, and amendments thereto; ~~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 K.S.A. 2012 Supp. 65-6832, and amendments thereto, 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.

~~(d) This section shall take effect on and after July 1, 2011.~~

Sec. 13. K.S.A. 2012 Supp. 65-6828 is hereby amended to read as follows: 65-6828. To the extent any provision of state law regarding the confidentiality, privacy, security or privileged status of any protected health information conflicts with is contrary to, or more stringent than the provisions of this act, the provisions of this act

shall control, except that: (a) 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 through 65-4930, and amendments thereto; or any statutory health care provider-patient evidentiary privilege applicable to a judicial or administrative proceeding; and

(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.

Sec. 14. K.S.A. 2012 Supp. 65-6829 is hereby amended to read as follows: 65-6829. ~~(a) A health care provider~~ covered entity may disclose protected health information without authorization to any state agency for any public health purpose that is 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 for public health purposes.

~~(b) This section shall take effect on and after July 1, 2011.~~

Sec. 15. K.S.A. 2012 Supp. 65-6830 is hereby amended to read as follows: 65-6830. ~~(a) The corporation department~~ shall establish and revise, as appropriate, standards for the approval and operation of statewide and regional health information organizations operating in the state as approved ~~HIOs~~ health information organizations including, but not limited to, the following:

~~(a) Satisfaction of certification standards for health information exchanges promulgated by the federal government;~~

~~(b)(1)~~ Adherence to nationally recognized standards for interoperability, that is, the capacity of two or more information systems to share information or data in an accurate, effective, secure and consistent manner;

~~(c)(2)~~ adoption and adherence to rules promulgated by the corporation department regarding access to and use and disclosure of protected health information maintained by or on an approved ~~HIO~~ health information organization;

~~(d)(3)~~ demonstration of adequate financial resources to sustain continued operations in compliance with the standards;

~~(e)(4)~~ participation in outreach activities for individuals and covered entities;

~~(f)(5)~~ conduct of operations in a transparent manner to promote consumer confidence;

~~(g)(6)~~ implementation of security breach notification procedures; and

~~(h)(7)~~ development of procedures for entering into and enforcing the terms of participation agreements with covered entities which satisfy the requirements established by the corporation department pursuant to K.S.A. 2012 Supp. 65-6832, and amendments thereto.

(b) The department shall ensure that approved health information organizations operate within the state in a manner consistent with the protection of the security and privacy of health information of the citizens of Kansas.

(c) No expenditure shall be made from the state general fund for the purposes of administration, operation or oversight of the health information organizations defined in K.S.A. 65-6821, and amendments thereto, except that the secretary of health and environment may make operational expenditures for the purpose of adopting and administering the rules and regulations necessary to implement the Kansas health information technology act.

~~This section shall take effect on and after July 1, 2011.~~

Sec. 16. K.S.A. 2012 Supp. 65-6831 is hereby amended to read as follows: 65-6831. ~~(a)~~ The ~~corporation department~~ shall establish and implement:

~~(1)(a)~~ A process by which a health information ~~exchange organization~~ may apply for and receive ~~approval~~ a certificate of authority issued by the corporation department by demonstrating compliance with the standards promulgated by the ~~corporation department~~ pursuant to K.S.A. 2012 Supp. 65-6830, and amendments thereto;

~~(2)(b)~~ a process by which an approved ~~HIO~~ health information organization shall be re-approved on appropriate intervals by demonstrating continued compliance with the standards promulgated by the ~~corporation department~~ pursuant to K.S.A. 2012 Supp. 65-6830, and amendments thereto; and

~~(3)(c)~~ a process for the investigation of reported concerns and complaints regarding an approved ~~HIO~~ health information organization and imposition of appropriate remedial and proactive measures to address any identified deficiencies.

~~(b) This section shall take effect on and after July 1, 2011.~~

Sec. 17. K.S.A. 2012 Supp. 65-6832 is hereby amended to read as follows: 65-6832. ~~(a)~~ The ~~corporation department~~ shall establish requirements ~~for participation agreements to be used by approved health information organizations in participation agreements with covered entities and shall~~ include the following:

~~(1)(a)~~ Specification of procedures ~~for the covered entity to disclose by which an individual's protected health information to the approved HIO will be disclosed by covered entities, will be collected by approved health information organizations and will be shared with other participating covered entities and with the department as required by law for public health purposes;~~

~~(2)(b)~~ specification of procedures ~~for the covered entity to access an individual's protected health information from the approved HIO by which an individual may elect that protected health information be restricted from disclosure by approved health information organizations to covered entities;~~

~~(3)(c)~~ specifications of purposes for, and procedures by which a covered entity can access an individual's protected health information from the approved health information organization, including access to restricted information by a covered entity in an emergency situation when necessary to properly treat the individual;

~~(d)~~ 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 that explains how and what protected health information will be shared with the approved health information organization.~~ 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)(1)~~ The individual's protected health information will be disclosed to the approved HIO health information organization to facilitate the provision of health care to the individual;

~~(B)(2)~~ the approved HIO health information organization maintains appropriate safeguards to protect the privacy and security of protected health information;

~~(C)(3)~~ only authorized individuals may access protected health information from the approved HIO health information organization;

~~(D)(4)~~ 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 HHO; or (ii) not disclose specified categories of the individual's protected health information to the approved HHO the individual's protected health information not be disclosed by the health information organization;

~~(E)(5) 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 HHO; 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 HHO. the health information organization is required to honor a written request not to disclose an individual's protected health information, except that disclosure is permitted (A) in an emergency situation when necessary to properly treat the individual, or (B) when necessary to satisfy a covered entity's legal obligation to report certain information to a government official; and~~

~~(6) the inability to access restricted information by a covered entity may result in a health care provider not having access to information necessary to provide appropriate care for the individual;~~

~~(4)(c) 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 HHO;~~

~~(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 HHO 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 HHO.~~

~~(b) This section shall take effect on and after July 1, 2011.~~

Sec. 18. K.S.A. 2012 Supp. 65-6833 is hereby amended to read as follows: 65-6833. ~~(a)~~ Any health information organization which is not an approved ~~HHO~~ health information organization 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.

~~(b) This section shall take effect on and after July 1, 2011.~~

Sec. 19. K.S.A. 2012 Supp. 65-6834 is hereby amended to read as follows: 65-6834. (a) ~~Notwithstanding any other provision of this act,~~ No use or disclosure of protected health information maintained by or on an approved ~~HHO~~ health information organization shall be made except pursuant to rules and regulations adopted by the ~~corporation department~~ consistent with this act. An approved ~~HHO~~ health information organization 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.

~~(b) This section shall take effect on and after July 1, 2011. Protected health information in the possession of an approved health information organization shall not be subject to discovery, subpoena or other means of legal compulsion for the release of~~

such— protected health information to any person or entity. An approved health information organization shall not be compelled by a request for production, subpoena, court order or otherwise, to disclose protected health information relating to an individual.

New Sec. 20. (a) There is hereby established an advisory council on health information technology. The advisory council on health information technology 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.

(b) The advisory council on health information technology shall be composed of 23 voting members, as follows:

(1) The secretary of the Kansas department of health and environment, or such secretary's designee;

(2) the governor of the state of Kansas, or such governor's designee;

(3) four legislators selected as follows: 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;

(4) two members appointed by the secretary who represent consumers;

(5) one member appointed by the secretary who represents employers;

(6) one member appointed by the secretary who represents payers;

(7) one member appointed by the secretary who represents local health departments from a list of three names submitted by the Kansas association of local health departments;

(8) three members appointed by the secretary who represent hospitals, from a list of three names for each position submitted by the Kansas hospital association. One of the hospital representatives appointed herein shall be involved in the administration of a critical access hospital;

(9) three members appointed by the secretary from a list of three names for each position by the Kansas medical society. At least two of the members appointed herein shall be practicing physicians, and one of the physicians shall be a physician in a primary care specialty;

(10) two members appointed by the secretary who represent pharmacists, from a list of three names submitted by the Kansas pharmacists association. At least one of the members appointed herein shall be a practicing pharmacist;

(11) one member appointed by the secretary who represents the university of Kansas center for health information from a list of three names submitted by the university of Kansas center for health information;

(12) one member appointed by the secretary who represents the Kansas foundation for medical care from a list of three names submitted by the Kansas foundation for medical care;

(13) one member appointed by the secretary who represents the Kansas optometric association from a list of three names submitted by the Kansas optometric association; and

(14) one member appointed by the secretary who represents the association of community mental health centers of Kansas from a list of three names submitted by the association of community mental health centers of Kansas.

(c) At the first meeting of the council, following the effective date of this act, terms

of its members, except the secretary and governor or their designees, shall be determined by lot with five members serving for one year, five members serving for two years, five members serving for three years, and six members serving for four years. Following their initial term, members of the council shall be eligible for re-appointment and, if re-appointed, shall serve for terms of four years. Members shall only be eligible to serve two consecutive four-year terms. Whenever a vacancy occurs regarding a member of the council due to the resignation, death, removal or expiration of a term, a new member shall be appointed prior to the next meeting, according to the process and to the specific position on the council as provided in subsection (b). In the event of a vacancy during an unexpired term due to resignation, death or removal of a council member, the appointment shall be for the remainder of the unexpired portion of the term. Each member of the council shall hold office for the term of appointment and until a successor has been appointed. Any member of the council may be removed by the secretary for malfeasance or misfeasance in office, regularly failing to attend meetings, or for any cause which renders the member incapable of the discharge of the duties of a member.

(d) The council shall meet at least four times per year and at such times as the council deems appropriate or as called by the secretary.

(e) Members of the council are entitled to compensation and expenses as provided in K.S.A. 75-3223, and amendments thereto. Members of the council attending council meetings or subcommittee meetings authorized by the council shall be paid mileage and all other applicable expenses, provided such expenses are consistent with policies established from time-to-time by the council.

Sec. 21. K.S.A. 2012 Supp. 28-115 is hereby amended to read as follows: 28-115.

(a) The register of deeds of each county shall charge and collect the following fees:

For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8½" x 14"	\$6.00
For second page and each additional page or fraction thereof.....	2.00
Recording town plats, for each page	20.00
Recording release or assignment of real estate mortgage	5.00
Certificate, certifying any instrument on record	1.00
Acknowledgment of a signature50
For filing notices of tax liens under the internal revenue laws of the United States	5.00
For filing releases of tax liens, certificates of discharge, under the internal revenue laws of the United States or the revenue laws of the state of Kansas	5.00

(b) In addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$2 per page for recording:

(1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8½" x 14";

(2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and

(3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. The county treasurer shall deposit such funds in the register of deeds technology fund as provided by K.S.A. 2012 Supp. 28-115a, and amendments thereto.

(c) For any filing or service provided for in the uniform commercial code, the amount therein provided, shall be charged and collected. No fee shall be charged or collected for any filing made by the secretary of health and environment or the secretary's designee pursuant to K.S.A 39-709, and amendments thereto.

(d) If the name or names of the signer or signers or any notary public to any instrument to be recorded are not plainly typed or printed under the signatures affixed to the instrument, the register of deeds shall charge and collect a fee of \$1 in addition to all other fees provided in this section.

(e) If sufficient space is not provided for the necessary recording information and certification on a document, such recording information shall be placed on an added sheet and such sheet shall be counted as a page. The document shall be of sufficient legibility so as to produce a clear and legible reproduction thereof. If a document is judged not to be of sufficient legibility so as to produce a clear and legible reproduction, such document shall be accompanied by an exact copy thereof which shall be of sufficient legibility so as to produce a clear and legible reproduction thereof and which shall be recorded contemporaneously with the document and shall be counted as additional pages. The register of deeds may reject any document which is not of sufficient legibility so as to produce a clear and legible reproduction thereof.

(f) Any document which was filed on or after January 1, 1989, which was of a size print or type smaller than 8-point type but which otherwise was properly filed shall be deemed to be validly filed.

(g) All fees required to be collected pursuant to this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work. If the register of deeds fails to collect any of the fees provided in this section, the amount of the fees at the end of each quarter shall be deducted from the register's salary.

(h) Except as otherwise provided by subsection (b), all fees required to be collected pursuant to this section shall be paid by the register of deeds to the county treasurer and deposited into the general fund of the county.

Sec. 22. K.S.A. 39-702 is hereby amended to read as follows: 39-702. The following words and phrases when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section:

(a) "Secretary" means the ~~secretary of social and rehabilitation services~~ secretary for children and families, unless otherwise specified.

(b) "Applicants" means all persons who, as individuals, or in whose behalf requests are made of the secretary for aid or assistance.

(c) "Social welfare service" may include such functions as giving assistance, the prevention of public dependency, and promoting the rehabilitation of dependent persons or those who are approaching public dependency.

(d) "Assistance" includes such items or functions as the giving or providing of money, food stamps or coupons, food, clothing, shelter, medicine or other materials, the giving of any service, including instructive or scientific, and the providing of institutional care, which may be necessary or helpful to the recipient in providing the necessities of life for the recipient and the recipient's dependents. The definitions of social welfare service and assistance in this section shall be deemed as partially descriptive and not limiting.

(e) "Aid to families with dependent children" means financial assistance with respect to or on behalf of a dependent child or dependent children and includes financial assistance for any month to meet the needs of the relative with whom any dependent child is living.

(f) "Medical assistance" means the payment of all or part of the cost of necessary: (1) Medical, remedial, rehabilitative or preventive care and services which are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act and furnished by health care providers who have a current approved provider agreement with the secretary; and (2) transportation to obtain care and services which are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act.

(g) "Dependent children" means needy children under the age of 18, or who are under the age of 19 and are full-time students in secondary schools or the equivalent educational program or are full-time students in a program of vocational or technical training if they may be reasonably expected to complete the training before attaining age 19, who have been deprived of parental or guardian support or care by reasons of the death, continued absence from the home, or physical or mental incapacity of a parent or guardian, and who are living with any blood relative, including those of the half-blood, and including first cousins, uncles, aunts, and persons of preceding generations are denoted by prefixes of grand, great, or great-great, and including the spouses or former spouses of any persons named in the above groups, in a place of residence maintained by one or more of such relatives as their own home. The secretary may adopt rules and regulations which extend the deprivation requirement under this definition to include being deprived of parental or guardian support or care by reason of the unemployment of a parent or guardian. The term "dependent children" also includes children who would meet the foregoing requirements except for their removal from the home of a relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such children, for whose placement and care the secretary is responsible, who have been placed in a foster family home or child care institution as a result of such determination and who received aid to dependent children in or for the month in which court proceedings leading to such determination were initiated, or would have received such aid in or for such month if application had been made therefor, or in the case of a child who had been living with a relative specified above within six months prior to the month in which such proceedings were initiated, would have received such aid in or for such month if in such month such child had been living with and removed from the home of such a relative and application had been made therefor.

(h) "The blind" means not only those who are totally and permanently devoid of vision, but also those persons whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(i) "General assistance" means financial assistance in which the cost of such financial assistance is not participated in by the federal government. General assistance may be limited to transitional assistance in some instances as specified by rules and regulations adopted by the secretary.

(j) "Recipient" means a person who has received assistance under the terms of this act.

(k) "Intake office" means the place where the secretary shall maintain an office for receiving applications.

(l) "Adequate consideration" means consideration equal, or reasonably proportioned to the value of that for which it is given.

(m) "Transitional assistance" means a form of general assistance in which as little financial assistance as one payment may be made during each period of 12 consecutive calendar months to an eligible and needy person and all other persons for whom such person is legally responsible.

(n) "Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651; et seq.), ~~or acts amendatory thereof or supplemental thereto~~ as in effect on May 1, 1997.

Sec. 23. K.S.A. 2012 Supp. 39-709 is hereby amended to read as follows: 39-709.

(a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal law. For purposes of eligibility for aid for families with dependent children, for food stamp assistance and for any other assistance provided through ~~the department of social and rehabilitation services~~ Kansas department for children and families under which federal moneys are expended, the secretary ~~of social and rehabilitation services for children and families~~ shall consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas.

(b) *Assistance to families with dependent children.* Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children. Where

husband and wife are living together both shall register for work under the program requirements for aid to families with dependent children in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

(c) *Aid to families with dependent children; assignment of support rights and limited power of attorney.* By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for or receiving aid to families with dependent children, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(d) *Eligibility requirements for general assistance, the cost of which is not shared by the federal government.* (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take

into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720, and amendments thereto, or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303, and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless: (i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and (ii) the trust: (a) Is funded from resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or (b) is funded not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met: (i) The contract, agreement or accord must be in writing and executed prior to any services being provided; (ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals; (iii) if no similarly situated nonlicensed

individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards; (iv) such individual providing the services will report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies; (v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered; (vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and (vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) *Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303, ~~and amendments thereto,~~ of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application

for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to subsection (d) of K.S.A. 39-756, and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection (e) is (A) a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both, and (B) a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection (e) except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection (e) is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection (g). The secretary is authorized to enforce each claim provided for under this subsection (g). The secretary shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary from claims under this subsection (g) shall be deposited in the social welfare fund. The secretary may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection (g).

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on behalf of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under subsection (g)(2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004,

pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under subsection (g)(2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes, without limitation assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) ~~The secretary of social and rehabilitation services of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien. This lien is for payments of medical assistance made by the department of social and rehabilitation services to the recipient who is an inpatient in a nursing home or other medical institution.~~

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home, ~~nursing homes~~ or other medical institution shall constitute a determination by the ~~department of social and rehabilitation services~~ department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the ~~department of social and rehabilitation services~~ after the expiration of six months from the date the recipient became eligible for compensated inpatient care at a ~~nursing home, nursing homes or other medical institution~~ department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's

designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

- (A) After the death of the surviving spouse of the recipient;
- (B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;
- (C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or
- (D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or

(C) the value of the real property is consumed by the lien, at which time the secretary or the secretary's designee may force the sale for the real property to satisfy the lien; or

~~(D) after a lien is filed against the real property, it will be dissolved if the recipient leaves the nursing or medical facility and resides in the property to which the lien is attached for a period of more than 90 days without being readmitted as an inpatient to a nursing or medical facility, even though there may have been no reasonable expectation that this would occur. If the recipient is readmitted to a nursing or medical facility during this period, and does return home after being released, another 90 days must be completed before the lien can be dissolved.~~

(7) ~~If the secretary of social and rehabilitation for aging and disability services or the secretary of health and environment, or both, or such~~ secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary for children and families or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary for children and families or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the ~~secretary of social and rehabilitation services for children and families~~ pays for the expenses of care and custody of a child pursuant to

K.S.A. 2012 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(j) If the applicant or recipient of aid to families with dependent children is a mother of the dependent child, as a condition of the mother's eligibility for aid to families with dependent children the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of aid to families with dependent children who fails to cooperate with requirements relating to child support enforcement under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations which penalty shall progress to ineligibility for the family after three months of noncooperation.

(k) By applying for or receiving child care benefits or food stamps, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care benefits or food stamps, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This

limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of aid to families with dependent children.

Sec. 24. K.S.A. 58-3957 is hereby amended to read as follows: 58-3957. (a) (1) A person, excluding another state, claiming an interest in any property paid or delivered to the administrator may file with the administrator a claim on a form prescribed by the administrator and verified by the claimant.

(2) The department of health and environment may claim an interest in any property paid or delivered to the administrator if the deceased owner of such property received medical assistance under K.S.A. 39-709, and amendments thereto, except that such claim shall not exceed the amount of medical assistance received by the deceased owner.

(3) The administrator may hold a hearing on the claim in accordance with the provisions of the Kansas administrative procedure act. The decision resulting from any hearing shall be a public record.

(b) The administrator shall consider each claim within 90 days after it is filed and give written notice to the claimant if the claim is denied in whole or in part. The notice may be given by mailing it to the last address, if any, stated in the claim as the address to which notices are to be sent. If no address for notices is stated in the claim, the notice may be mailed to the last address, if any, of the claimant as stated in the claim. No notice of denial need be given if the claim fails to state either the last address to which notices are to be sent or the address of the claimant.

(c) If a claim is allowed, the administrator shall pay over or deliver to the claimant the property or the amount the administrator actually received or the net proceeds if it has been sold by the administrator, together with any additional amount required by K.S.A. 58-3954, and amendments thereto. Interest reported under the previous disposition of unclaimed property act shall not be computed, paid or delivered to the claimant after enactment of this act. If the claim is for property presumed abandoned under K.S.A. 58-3943, and amendments thereto, which was sold by the administrator within three years after the date of delivery, the amount payable for that claim is the value of the property at the time the claim was made or the net proceeds of sale, whichever is greater.

(d) Any holder who pays the owner for property that has been delivered to the state and which, if claimed from the administrator, would be subject to subsection (c) shall add any additional amount as provided in K.S.A. 58-3954, and amendments thereto. The additional amount shall be repaid to the holder by the administrator in the same manner as the principal.

Sec. 25. K.S.A. 39-702, 58-3957, 65-116a, 65-128, 65-157, 65-1,109a, 75-5607 and 75-5608 and K.S.A. 2012 Supp. 28-115, 39-709, 65-129a, 65-6821, 65-6822, 65-6823, 65-6824, 65-6825, 65-6826, 65-6827, 65-6828, 65-6829, 65-6830, 65-6831, 65-6832, 65-6833 and 65-6834 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after "concerning" by inserting "the department of health and environment; relating to"; in line 2, by striking all after the semicolon; by

striking all in lines 3 and 4 and inserting "concerning the office of laboratory services; creating the office of laboratory services operating fund and providing for certain fees and deposits to such fund; concerning health information technology; relating to the medical assistance recovery program; amending K.S.A. 39-702, 58-3957, 65-116a, 65-128, 65-157, 65-1,109a and 75-5608 and K.S.A. 2012 Supp. 28-115, 39-709, 65-6821, 65-6822, 65-6823, 65-6824, 65-6825, 65-6828, 65-6829, 65-6830, 65-6831, 65-6832, 65-6833 and 65-6834 and repealing the existing sections; also repealing K.S.A. 75-5607 and K.S.A. 2012 Supp. 65-129a, 65-6826 and 65-6827."

And your committee on conference recommends the adoption of this report.

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

DAVID CRUM

BRIAN WEBER

JIM WARD

Conferees on part of House

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **Sub HB 2183**.

On roll call, the vote was: Yeas 36; Nays 2; Present and Passing 1; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, V. Schmidt, Smith, Wagle, Wolf.

Nays: Pyle, Tyson.

Present and Passing: Francisco.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2234** 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 24 through 30;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 38 and inserting:

"Section 1. K.S.A. 68-2003 is hereby amended to read as follows: 68-2003. (a) There is hereby created a body politic and corporate to be known as the Kansas turnpike authority. The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be the performance of an essential governmental function.

(b) The Kansas turnpike authority shall consist of five members. Two members shall be appointed by the governor for terms of four years. The members appointed by the governor shall be residents of the state and shall each year be owners of revenue bonds issued by the Kansas turnpike authority. One member of the authority shall be the secretary of transportation. One member shall be the chairperson of the committee on transportation and tourism of the senate, and one member shall be a member of the committee on transportation of the house of representatives and shall be appointed by the speaker of the house of representatives. Any person appointed by the governor to fill a vacancy on the authority shall be appointed to serve only for the unexpired term, and a member of the authority shall be eligible for reappointment. A member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and a public hearing conducted in accordance with the provisions of the Kansas administrative procedure act. Each member of the authority, before entering upon the member's duties, shall take and subscribe an oath or affirmation as required by law.

(c) The authority shall elect one member as chairperson of the authority and another as vice-chairperson. The authority shall also elect a secretary-treasurer who need not be a member of the authority. The chairperson, vice-chairperson and secretary-treasurer shall serve as officers at the pleasure of the authority. Three members of the authority shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

(d) Members of the Kansas turnpike authority attending meetings of such authority, or attending a subcommittee meeting thereof authorized by such authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e) On and after July 1, 2013, the secretary of transportation shall serve as the director of operations of the authority. The director of operations shall be responsible for the daily administration of the toll roads, bridges, structures and facilities constructed, maintained or operated pursuant to this act. The director of operations or the director's designee shall have such powers as are necessary to carry out these responsibilities. The provisions of this subsection shall expire and have no effect on and after July 1, 2016.

Sec. 2. K.S.A. 68-2009 is hereby amended to read as follows: 68-2009. (a) The authority is hereby authorized to fix, revise, charge and collect tolls for the use of each turnpike project and the different parts or sections thereof, and to contract with any person, partnership, association or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion, for placing thereon telephone, telegraph, electric light or power lines, motor fuel filling stations, garages, and restaurants, or for any other purpose except for tracks for railroad or railway use, and to fix the terms, conditions, rents and rates of charges for such use. All contracts made by the authority for retail establishments or locations for retail establishments shall be made separately for each retail establishment or location for a retail establishment and sealed bids shall be asked separately on each retail establishment or each location for a retail establishment by public offering duly advertised as provided by law for the advertising for bids on state highway construction projects and each such contract shall

be let by the authority in like manner as provided by law for the letting of highway construction contracts by the secretary of transportation. Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the turnpike project or projects in connection with which the bonds of any issue shall have been issued as to provide a fund sufficient with other revenues, if any, to pay ~~(a)~~; (1) The cost of maintaining, repairing and operating such turnpike project or projects; and ~~(b)~~; (2) the principal of and the interest on such bonds as the same shall become due and payable, and to create reserves for such purposes.

(b) Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau or agency of the state. The tolls and all other revenues derived from the turnpike project or projects in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust agreement in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the tolls or other revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

(c) The authority shall not use toll or other revenue for any other purposes than those set forth in this section.

Sec. 3. K.S.A. 68-2021 is hereby amended to read as follows: 68-2021. On and after July 1, 2016, the secretary of transportation and the Kansas turnpike authority are hereby authorized and empowered to contract with each other, by the terms of which contract or contracts the secretary may undertake; (1) to provide personnel and equipment, either of the department of transportation or consulting or contracting firms, required in making any traffic and cost studies or surveys or origin-destination studies necessary preliminary to financing by the Kansas turnpike authority of any particular toll project undertaken as authorized by law, and to do such work; and

(2) to provide personnel and equipment required, and to do any engineering, geological work, soils testing or materials testing which may be required by the Kansas turnpike authority either preliminary to the financing of any particular toll project authorized by law or which may be required after such financing and during the construction of such project; ~~Provided, That, The~~ charges for services contemplated by such project shall be made by the secretary of transportation on the basis of the total and

actual cost to the department of all wages, salaries, expenses, equipment rental, damage to equipment, depreciation or other charges and expenses chargeable to the services to be rendered to the Kansas turnpike authority: ~~Provided further,~~ except that the total amount of any credit and funds advanced hereunder shall not at any one time exceed the sum of ~~two hundred fifty thousand dollars (\$250,000)~~ \$250,000.

New Sec. 4. (a) The secretary of transportation and the Kansas turnpike authority are hereby authorized and empowered to contract with each other to provide personnel and equipment and other resources, either of the department of transportation, the Kansas turnpike authority or consulting or contracting firms for: (1) Recordkeeping, reporting, administrative, planning, engineering, legal and clerical functions; and

(2) construction, operation and maintenance of turnpike projects and highways of the state.

(b) The Kansas turnpike authority shall retain its separate identity, powers and duties as an instrumentality of the state. Duplication of effort, facilities and equipment shall be minimized by the authority and the secretary of transportation in operation and maintenance of turnpikes and highways of the state. The authority and the secretary are authorized to take such action as necessary to implement this section, including the temporary transfer of personnel, property and equipment from the authority to the secretary, and the secretary to the authority, to effect contracts described in subsection (a). The integrity of the bonded indebtedness shall be maintained through the actions of the authority.

(c) The provisions of this section shall expire and have no effect on and after July 1, 2016.";

On page 1, in the title, in line 1, after concerning, by inserting "transportation; relating to"; also in line 1, after "authority;" by inserting "director of operations;"

And by renumbering sections accordingly;

And your committee on conference recommends the adoption of this report.

RICHARD PROEHL
RON RYCKMAN, SR.
EMILY PERRY

Conferees on part of House

TY MASTERSON
JIM DENNING
LAURA KELLY

Conferees on part of Senate

Senator Masterson moved the Senate adopt the Conference Committee Report on **HB 2234**.

On roll call, the vote was: Yeas 26; Nays 13; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Donovan, Emler, Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Longbine, Olson, Ostmeyer, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: I vote NO on the conference committee report for **HB 2234**; I agree with the comment that was made on the floor that this action is like making a U-turn on the highway at high speed and not a good idea.—MARCI FRANCISCO

ORIGINAL MOTION

A motion was made by Senator Bruce to not adopt the conference committee report on **SB 171** and appoint new conferees prevailed.

The Vice President appointed Senators Abrams, Arpke and Hensley as third conferees in the part of the Senate.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 122 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 25 and inserting:

"Section 1. K.S.A. 25-2422 is hereby amended to read as follows: 25-2422. (a) Unauthorized voting disclosure is, while being charged with any election duty, intentionally:

~~(a)(1) Disclosing or exposing the contents of any ballot or the manner in which the ballot has been voted, whether cast in a regular or provisional manner, or the name of any voter who cast such ballot, except as ordered by a court of competent jurisdiction in an election contest pursuant to K.S.A. 25-1434 et seq., and amendments thereto; or~~

~~(b)(2) endeavoring to induce inducing or attempting to induce any voter to show how the voter marks or has marked the voter's ballot.~~

~~(b) The name of any voter who has cast a ballot shall not be disclosed from the time the ballot is cast until the final canvass of the election by the county board of canvassers.~~

~~(c) Nothing in this section shall prohibit the disclosure of the names of persons who have voted advance ballots.~~

~~(d) Nothing in this section shall prohibit authorized poll agents from observing elections as authorized by K.S.A. 25-3004, 25-3005 and 25-3005a, and amendments thereto.~~

~~(e) Unauthorized voting disclosure is a severity level 10, nonperson felony.~~

Sec. 2. K.S.A. 25-2422 is hereby repealed.";

Also on page 1, in the title, in line 1, by striking all after "concerning"; in line 2 by striking "order or notice;" and inserting "elections; relating to unauthorized voting disclosures;"; also in line 2, by striking "2012 Supp. 77-531" and inserting "25-2422";

And your committee on conference recommends the adoption of this report.

LANCE KINZER
 ROB BRUCHMAN
 JANICE PAULS

Conferees on part of House

JEFF KING
 GREG SMITH
 DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **SB 122**.

On roll call, the vote was: Yeas 30; Nays 9; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 199** 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 5, following line 4, by inserting:

"Sec. 7. K.S.A. 2012 Supp. 65-1636 is hereby amended to read as follows: 65-1636. (a) Except as otherwise provided in this act, the sale and distribution of drugs shall be limited to pharmacies operating under registrations as required by this act, and the actual sale or distribution of drugs shall be made by a pharmacist or other persons acting under the immediate personal direction and supervision of the pharmacist.

~~(b) The donation, acceptance, transfer, distribution or dispensing of any drug in compliance with the provisions of the cancer drug repository program established by K.S.A. 2012 Supp. 65-1664 through 65-1667, and amendments thereto, and any rules and regulations promulgated thereunder shall not constitute a violation of this section.~~

~~(e).~~ (b) The donation, acceptance, transfer, distribution or dispensing of any drug in compliance with the provisions of the utilization of unused medications act and any rules and regulations promulgated thereunder shall not constitute a violation of this section.

Sec. 8. K.S.A. 2012 Supp. 65-1669 is hereby amended to read as follows: 65-1669. As used in the utilization of unused medications act:

(a) "Adult care home" has the same meaning as such term is defined in K.S.A. 39-923, and amendments thereto.

(b) "Community mental health center" has the same meaning as such term is defined in K.S.A. 75-3307c, and amendments thereto.

(c) "Donating entities" means adult care homes, mail service pharmacies, institutional drug rooms and medical care facilities who elect to participate in the program.

(d) "Drug" has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

(e) "Federally qualified health center" means a center which meets the requirements for federal funding under 42 U.S.C. § 1396d(1) of the public health service act, and amendments thereto, and which has been designated as a "federally qualified health center" by the federal government.

(f) "Indigent health care clinic" has the same meaning as such term is defined in K.S.A. 75-6102, and amendments thereto.

~~(g)~~ "Institutional drug room" has the meaning as such term is defined in K.S.A. 65-1626(bb), and amendments thereto.

~~(g)~~ (h) "Mail service pharmacy" means a licensed Kansas pharmacy that ships, mails or delivers by any lawful means a lawfully dispensed medication in tamper-resistant packaging to residents of this state or another state.

~~(h)~~ (i) "Medical care facility" has the same meaning as such term is defined in K.S.A. 65-425, and amendments thereto.

~~(i)~~ (j) "Medically indigent" has the same meaning as such term is defined in K.S.A. 75-6102, and amendments thereto.

~~(j)~~ (k) "Medication" means a prescription drug or drug as defined by this section.

~~(k)~~ (l) "Mid-level practitioner" has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

~~(l)~~ (m) "Practitioner" has the same meaning as such term is defined in K.S.A. 65-1626, and amendments thereto.

~~(m)~~ (n) "Prescription drug" means a drug which may be dispensed only upon prescription of a practitioner or mid-level practitioner authorized by law and which is approved for safety and effectiveness as a prescription drug under section 505 or 507 of the federal food, drug and cosmetic act (~~52 Stat. 1040 (1938), 21 U.S.C.A. § 301~~), ~~and amendments thereto.~~

~~(n)~~ (o) "Qualifying center or clinic" means an indigent health care clinic, federally qualified health center or community mental health center.

(p) "Samples of medications or injectables" means a unit of drug that is not intended to be sold and is intended to promote the sale of the drug.

Sec. 9. K.S.A. 2012 Supp. 65-1670 is hereby amended to read as follows: 65-1670.

(a) The board of pharmacy shall establish and implement a program consistent with public health and safety through which unused drugs, ~~other than drugs defined as controlled substances~~, may be transferred from donating entities that elect to participate in the program for the purpose of distributing the unused medications to Kansas residents who are medically indigent.

(b) A qualifying center or clinic in consultation with a pharmacist shall establish procedures necessary to implement the program established by the utilization of unused medications act.

(c) The state board of pharmacy shall provide technical assistance to entities who may wish to participate in the program.

Sec. 10. K.S.A. 2012 Supp. 65-1671 is hereby amended to read as follows: 65-1671. The following criteria shall be used in accepting unused medications for use under the utilization of unused medications act:

(a) The medications shall have come from a controlled storage unit of a donating entity;

(b) only medications in their original or pharmacist sealed unit dose packaging or in tamper evident packaging, unit of use or sealed, unused injectables, including samples of medications or injectables, shall be accepted and dispensed pursuant to the utilization of unused medications act;

(c) expired medications shall not be accepted;

(d) a medication shall not be accepted or dispensed if the person accepting or dispensing the medication has reason to believe that the medication is adulterated;

(e) no controlled substances shall be accepted; ~~and, unless the state board of pharmacy designates certain controlled substances as accepted medications in the adoption of rules and regulations pursuant to K.S.A. 65-1674, and amendments thereto;~~ and

(f) subject to the limitation specified in this section, unused medications dispensed for purposes of a medical assistance program or drug product donation program may be accepted and dispensed under the utilization of unused medications act.

Sec. 11. K.S.A. 2012 Supp. 65-1674 is hereby amended to read as follows: 65-1674. (a) The state board of pharmacy shall adopt rules and regulations ~~by December 1, 2008;~~ to implement the utilization of unused medications act. Such rules shall:

(1) Include standards and procedures for transfer, acceptance and safe storage of donated medications;

(2) include standards and procedures for inspecting donated medications to ensure that the medications are in compliance with the utilization of unused medications act and to ensure that, in the professional judgment of a pharmacist, the medications meet all federal and state standards for product integrity;

(3) establish standards and procedures for acceptance of unused medications from donating entities; ~~and~~

(4) establish standards and procedures for designating certain controlled substances as accepted donated medications;

(5) establish standards and procedures for a qualifying center or clinic to prepare any donated medications for dispensing or administering; and

(6) establish, in consultation with the department of health and environment and the Kansas department ~~on~~ for aging and disability services, any additional rules and regulations, and standards and procedures it deems appropriate or necessary to implement the provisions of the utilization of unused medications act.

(b) In accordance with the rules and regulations and procedures of the program established pursuant to this section, a resident of an adult care home, or the representative or guardian of a resident may donate unused medications, ~~other than prescription drugs defined as controlled substances;~~ for dispensation to medically indigent persons.

Sec. 12. K.S.A. 2012 Supp. 65-1636, 65-1664, 65-1665, 65-1666, 65-1667, 65-1669, 65-1670, 65-1671 and 65-1674 are hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all following "concerning"; in line 2, by striking all before the period and inserting "health care; relating to stem cell therapy and unused medications; amending K.S.A. 2012 Supp. 65-1636, 65-1669, 65-1670, 65-1671 and 65-1674 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 65-1664, 65-1665, 65-1666 and 65-1667"

And your committee on conference recommends the adoption of this report.

DAVID CRUM

BRIAN WEBER

JIM WARD

Conferees on part of House

MARY PILCHER-COOK

ELAINE BOWERS

LAURA KELLY

Conferees on part of Senate

Senator Pilcher-Cook moved the Senate adopt the Conference Committee Report on **SB 199**.

On roll call, the vote was: Yeas 31; Nays 8; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Hawk, Hensley, Holland, Kelly, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

ORIGINAL MOTION

Senator Bruce moved Joint Rule 3(f) be suspended and the Senate dispose with the distribution of copies of the Conference Committee Reports for **SB 23**, **SB 102**, and **HB 2204**, and the bills be advanced for consideration.

The motion carried.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23** submits the following report:

The House recesses from all of its amendments to the bill, and your committee on conference further agrees to amend the bill as introduced, as follows:

On page 1, following line 5, by inserting:

"New Section 1. The director of budget and the director of legislative research shall jointly certify to the secretary of state that the aggregate amount of appropriations for the school district capital outlay state aid fund is equal to 100% of the amount that school districts are entitled to receive from the school district capital outlay state aid fund for such school year pursuant to K.S.A. 2012 Supp. 72-8814, and amendments

thereto. Upon receipt of such certification, the secretary of state shall cause a notice of such certification to be published in the Kansas register.";

Also on page 1, following line 35, by inserting:

"Sec. 3. K.S.A. 2012 Supp. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state court of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state court of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state court of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The state court of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state court of tax appeals may adopt rules and regulations necessary to effectuate the provisions of this subsection, including rules and regulations relating to the evidence required in support of a district's claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that: (A) Commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing; (B) is authorized to adopt and has adopted a local option budget which is at least equal to that amount required to qualify for school facilities weighting under K.S.A. 2012 Supp. 72-6415b, and amendments thereto; and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed ~~three~~ six years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as

provided in this subsection. In computing such amount, the state board shall:

(1) Determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year;

(2) compute ~~75%–90%~~ of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the first year of the ~~three-year~~ six-year period for which the district may levy a tax under authority of this subsection;

(3) compute ~~50%–75%~~ of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the second year of the ~~three-year~~ six-year period for which the district may levy a tax under authority of this subsection; ~~and~~

(4) compute ~~25%–60%~~ of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the third year of the ~~three-year~~ six-year period for which the district may levy a tax under authority of this subsection;

(5) compute 45% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the fourth year of the six-year period for which the district may levy a tax under authority of this subsection;

(6) compute 30% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the fifth year of the six-year period for which the district may levy a tax under authority of this subsection; and

(7) compute 15% of the amount of the sum obtained under paragraph (1), which computed amount is the amount the district may levy in the sixth year of the six-year period for which the district may levy a tax under authority of this subsection.

In determining the amount produced by the tax levied by the district under authority of subsection (a), the state board shall include any moneys which have been apportioned to the ancillary facilities fund of the district from taxes levied under the provisions of K.S.A. 79-5101 et seq. and 79-5118 et seq., and amendments thereto.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 4. K.S.A. 2012 Supp. 72-6448 is hereby amended to read as follows: 72-6448. (a) As used in this section:

(1) "Pupil" means a person who is a dependent of a full-time active duty member of the military service or a dependent of a member of any of the United States military reserve forces who has been ordered to active duty under section 12301, 12302 or 12304 of Title 10 of the United States Code, or ordered to full-time active duty for a period of more than 30 consecutive days under section 502(f) or 512 of Title 32 of the United States Code for the purposes of mobilizing for war, international peacekeeping missions, national emergency or homeland defense activities.

(2) "School year" means school year ~~2009-2010, 2010-2011, 2011-2012 or 2012-2013~~ 2013-2014, 2014-2015, 2015-2016, 2016-2017 or 2017-2018.

(b) Each school year, the state board shall:

- (1) Determine the number of pupils enrolled in each district on September 20; and
- (2) determine the number of military pupils enrolled in each district on February 20, who were not enrolled on the preceding September 20;

(c) (1) If the number obtained under subsection (b)(2) is 25 or more, an amount equal to the number obtained under subsection (b)(2) shall be added to the number determined under subsection (b)(1). The sum is the enrollment of the district.

(2) If the number obtained under subsection (b)(2) is at least 1% of the number determined under subsection (b)(1), an amount equal to the number obtained under subsection (b)(2) shall be added to the number determined under subsection (b)(1). The sum is the enrollment of the district.

(d) The state board shall recompute the adjusted enrollment of the district and the general fund budget of the school district based on the enrollment as determined under this section.

(e) Districts desiring to determine enrollment under this section shall submit any documentation or information required by the state board.

Sec. 5. On July 1, 2013, and the date of publication in the Kansas register of the notice prescribed in section 1, K.S.A. 2012 Supp. 72-8801 is hereby amended to read as follows: 72-8801. (a) The board of education of any school district may make an annual tax levy at a mill rate not to exceed the statutorily prescribed mill rate for a period of not to exceed five years upon the taxable tangible property in the school district for the purposes specified in this act and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. No levy shall be made under this act until a resolution is adopted by the board of education in the following form:

Unified School District No. _____,

_____ County, Kansas.

RESOLUTION

Be It Resolved that:

The above-named school board shall be authorized to make an annual tax levy for a period not to exceed _____ years in an amount not to exceed _____ mills upon the taxable tangible property in the school district for the purpose of acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of buildings school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board; (4) architectural expenses ~~incidental thereto, the~~; (5) acquisition of building sites; ~~the~~; (6) undertaking and maintenance of asbestos control projects; ~~the~~; (7) acquisition of school buses ~~and the~~; and (8) acquisition of other equipment fixed assets, and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district. The tax levy authorized by this resolution may be made, unless a petition in opposition to the same, signed by not less than 10% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 40 calendar days after the last publication of this

resolution. In the event a petition is filed, the county election officer shall submit the question of whether the tax levy shall be authorized to the electors in the school district at an election called for ~~the~~ that purpose or at the next general election, as is specified by the board of education of the above school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the ____ day of _____, _____.

Clerk of the board of education.

All of the blanks in the above resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the word "mills" shall be filled with a specific number, and no word shall be inserted in either of the blanks. The resolution shall be published once a week for two consecutive weeks in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board of education may make the tax levy specified in the resolution. If a petition is filed as provided in the resolution, the board of education may notify the county election officer of the date of an election to be held to submit the question of whether the tax levy shall be authorized. If the board of education fails to notify the county election officer within 60 calendar days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board of education within the nine months following the first publication of the resolution.

(b) As used in this act:

(1) "Unconditionally authorized to make a capital outlay tax levy" means that the school district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election has been held by which the tax levy specified in the resolution was approved;

(2) "statutorily prescribed mill rate" means: (A) Eight mills; (B) the mill levy rate in excess of eight mills if the resolution fixing such rate was approved at an election prior to the effective date of this act; or (C) the mill levy rate in excess of eight mills if no petition or no sufficient petition was filed in protest to a resolution fixing such rate in excess of eight mills and the protest period for filing such petition has expired;

(3) "asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in buildings of school districts and includes, but not by way of limitation, any activity undertaken for the removal or encapsulation of asbestos-containing material, for any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation, for conducting inspections, reinspections and periodic surveillance of buildings, performing response actions, and developing, implementing and updating operations and maintenance programs and management plans;

(4) "asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite, and actinolite; and

(5) "asbestos-containing material" means any material or product which contains more than 1% asbestos.

Sec. 6. On July 1, 2013, and the date of publication in the Kansas register of the notice prescribed in section 1, K.S.A. 72-8804 is hereby amended to read as follows: 72-8804. (a) Any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing, maintaining and equipping of buildings school district property and equipment necessary for school district purposes, including: (1) Acquisition of computer software; (2) acquisition of performance uniforms; (3) housing and boarding pupils enrolled in an area vocational school operated under the board of education; (4) architectural expenses incidental thereto, the; (5) acquisition of building sites, the; (6) undertaking and maintenance of asbestos control projects, the; (7) acquisition of school buses and the; and (8) acquisition of other equipment fixed assets.

(b) The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein, or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.

Sec. 7. On July 1, 2013, and the date of publication in the Kansas register of the notice prescribed in section 1, K.S.A. 72-8812 is hereby amended to read as follows: 72-8812. This act shall not in any manner be construed as affecting the validity of any tax levies authorized to be made under article 88 of chapter 72 of the Kansas Statutes Annotated prior to the effective date of this act, nor shall this act in any manner be construed as affecting the validity of any bonds issued or authorized to be issued under ~~said~~ article 88 of chapter 72 of the Kansas Statutes Annotated prior to the effective date of this act.

Sec. 8. K.S.A. 2012 Supp. 72-8254 is hereby amended to read as follows: 72-8254. (a) This section shall be known and may be cited as the Kansas uniform financial accounting and reporting act.

(b) As used in this section:

(1) "Budget summary" means a summary of the official budget adopted by the board of education of the school district, and shall include, but is not limited to, graphs depicting the total expenditures in the budget by category, supplemental and general fund expenditures, instruction expenditures, enrollment figures, mill rates by fund and average salaries. For purposes of this section, the budget at a glance format developed by the state board, and any successor format shall be deemed a budget summary, provided it complies with the requirements of this section.

(2) "Reporting system" means the uniform reporting system, including a uniform chart of accounts, developed by the state board as required by this section.

~~(2)~~ (3) "School district" means any a unified school district in the organized and operated under the laws of this state.

~~(3)~~ (4) "State board" means the state board of education.

(c) The state board shall develop and maintain a uniform reporting system for the receipts and expenditures of school districts. The accounting records maintained by

each school district shall be coordinated with the uniform reporting system. Each school district shall record the receipts and expenditures of the district in accordance with a uniform classification of accounts or chart of accounts and reports as shall be prescribed by the state board. Each school district shall submit such reports and statements as may be required by the state board. The state board shall design, revise and direct the use of accounting records and fiscal procedures and prescribe uniform classifications for receipts and expenditures for all school districts. The reporting system shall include all funds held by a school district regardless of the source of the moneys held in such funds, including, but not limited to, all funds funded by fees or other sources of revenue not derived from tax levies. The state board shall prescribe the necessary forms to be used by school districts in connection with such uniform reporting system.

(d) The reporting system developed by the state board shall be developed in such a manner that allows school districts to record and report any information required by state or federal law.

(e) The reporting system shall provide records showing by funds, accounts and other pertinent classifications, the amounts appropriated, the estimated revenues, actual revenues or receipts, the amounts available for expenditure, the total and itemized expenditures, the unencumbered cash balances, excluding state aid receivable, actual balances on hand and the unencumbered balances of allotments or appropriations for each school district.

(f) The reporting system shall allow a person to search the data and allow for the comparison of data by school district.

(g) Each school district shall annually submit a report to the state board on all construction activity undertaken by the school district which was financed by the issuance of bonds and which such bonds have not matured. Such report shall include all revenue receipts, all expenditures of bond proceeds authorized by law, the dates for commencement and completion of such construction activity, the estimated cost and the actual cost of such construction activity. The information provided in the report shall be in a form so as to readily identify such information with a specific construction project. Such report shall be submitted in a form and manner prescribed by the state board in accordance with the provisions of this section.

(h) From and after July 1, 2012, the board of education of each school district shall record and report the receipts and expenditures of the district in the manner prescribed by the state board in accordance with this section.

(i) ~~(1)~~ Each school district shall annually publish on such district's internet website:
 (A) ~~A copy of form 150, estimated legal maximum general fund budget, or any successor document containing the same or similar information, that was submitted by such district to the state board of education for the immediately preceding school year. A copy of such document shall also be annually published by the department of education on its internet website; and~~

(B) the budget summary for the current school year and actual expenditures for the immediately preceding two school years showing total dollars net of transfers and dollars per pupil for each of the following:

- (1) Function 1000, instruction;
- (2) function 2100, student support;
- (3) function 2200, instructional staff support;
- (4) functions 2300 through 2500, administration;

- (5) function 2600, operation and maintenance;
- (6) function 2700, transportation;
- (7) function 3100, food service;
- (8) functions 2900, 3200 and 3300, other current spending;
- (9) function 4000, capital outlay;
- (10) function 5100, debt service;
- (11) the total expenditures which is the sum of the amounts in paragraphs (1) through (10);
- (12) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of total expenditures;
- (13) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of current spending, which is the sum of expenditures for functions 1000 through 3300 less capital outlay and debt service expenditures included in any of those functions; and
- (14) the revenue in total dollars net of transfers both in total and disaggregated to show the amount of revenue received from local, state and federal revenue sources.

For purposes of subsection (i)(1)(B), all per pupil amounts shall be calculated using the full-time equivalent enrollment of the school district. All function categories and other accounting categories shall refer to those same categories as established and required for financial accounting purposes by the state board as published in the Kansas state department of education's Kansas accounting handbook for unified school districts, as published in August 2012, or later versions as established in rules and regulations adopted by the state board.

(2) Publications pursuant to required by this subsection shall be conducted in such manner as to make the document readily accessible to the public published with an easily identifiable link located on such district's website homepage.

(j)(1) The department of education shall annually publish on its internet website;

(A) All of the publications required under subsection (i); and

(B) the following expenditures for each school district on a per pupil basis:

(1) Total expenditures;

(2) capital outlay expenditures;

(3) bond and interest expenditures; and

(4) all other expenditures not included in (2) or (3).

(2) Publications required by this subsection shall be published with an easily identifiable link located on the department's website homepage.";

And by redesignating sections accordingly;

On page 2, in line 6, after "72-6431" by inserting ", 72-6441, 72-6448, 72-8254";

Also on page 2, following line 6, by inserting :

"Sec. 11. On July 1, 2013, and the date of publication in the Kansas register of the notice prescribed in section 1, K.S.A. 72-8804 and 72-8812 and K.S.A. 2012 Supp. 72-8801 are hereby repealed.";

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, after "amending" by inserting "K.S.A. 72-8804 and 72-8812 and"; in line 3, after "72-6431" by inserting ", 72-6441, 72-6448, 72-8801, 72-8254";

And your committee on conference recommends the adoption of this report.

WARD CASSIDY
AMANDA GROSSERODE
VALDENIA WINN

Conferees on part of House

STEVE ABRAMS
PAT ARPKE
ANTHONY HENSLEY

Conferees on part of Senate

Senator Abrams moved the Senate adopt the Conference Committee Report on **SB 23**.

Senator Hensley made a substitute motion to not adopt the conference committee report on **SB 23** and appoint a new conference committee.

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: Bowers, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, LaTurner, Love, Petersen, Pettey, V. Schmidt, Tyson.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Donovan, King, Knox, Longbine, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Pilcher-Cook, Powell, Pyle, Smith, Wagle, Wolf.

Absent or Not Voting: McGinn.

Motion failed.

The Senate returned to the original motion by Senator Abrams to adopt the Conference Committee Report on **SB 23**.

On roll call, the vote was: Yeas 28; Nays 11; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Ostmeyer, Pettey, V. Schmidt.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 102** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows

On page 1, by striking all in lines 6 through 36;

On page 2, by striking all in lines 1 through 4 and inserting:

"Section 1. Sections 1 through 11, and amendments thereto, may be cited as the second amendment protection act.

Sec. 2. The legislature declares that the authority for sections 1 through 11, and amendments thereto, is the following:

(a) The tenth amendment to the constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the constitution and reserves to the state and people of Kansas certain powers as they were understood at the time that Kansas was admitted to statehood in 1861. The guaranty of those powers is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(b) The ninth amendment to the constitution of the United States guarantees to the people rights not granted in the constitution and reserves to the people of Kansas certain rights as they were understood at the time that Kansas was admitted to statehood in 1861. The guaranty of those rights is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(c) The second amendment to the constitution of the United States reserves to the people, individually, the right to keep and bear arms as that right was understood at the time that Kansas was admitted to statehood in 1861, and the guaranty of that right is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

(d) Section 4 of the bill of rights of the constitution of the state of Kansas clearly secures to Kansas citizens, and prohibits government interference with, the right of individual Kansas citizens to keep and bear arms. This constitutional protection is unchanged from the constitution of the state of Kansas, which was approved by congress and the people of Kansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

Sec. 3. As used in sections 1 through 11, and amendments thereto, the following definitions apply:

(a) "Borders of Kansas" means the boundaries of Kansas described in the act for admission of Kansas into the union, 12 stat. 126, ch. 20, § 1.

(b) "Firearms accessories" means items that are used in conjunction with or mounted upon a firearm but are not essential to the basic function of a firearm, including, but not limited to, telescopic or laser sights, magazines, flash or sound suppressors, collapsible or adjustable stocks and grips, pistol grips, thumbhole stocks, speedloaders, ammunition carriers and lights for target illumination.

(c) "Manufacture" means to assemble using multiple components to create a more useful finished product.

Sec. 4. (a) A personal firearm, a firearm accessory or ammunition that is manufactured commercially or privately and owned in Kansas and that remains within the borders of Kansas is not subject to any federal law, treaty, federal regulation, or federal executive action, including any federal firearm or ammunition registration program, under the authority of congress to regulate interstate commerce. It is declared by the legislature that those items have not traveled in interstate commerce. This section

applies to a firearm, a firearm accessory or ammunition that is manufactured commercially or privately and owned in the state of Kansas.

(b) Component parts are not firearms, firearms accessories or ammunition, and their importation into Kansas and incorporation into a firearm, a firearm accessory or ammunition manufactured and owned in Kansas does not subject the firearm, firearm accessory or ammunition to federal regulation. It is declared by the legislature that such component parts are not firearms, firearms accessories or ammunition and are not subject to congressional authority to regulate firearms, firearms accessories and ammunition under interstate commerce as if they were actually firearms, firearms accessories or ammunition.

(c) Firearms accessories that are imported into Kansas from another state and that are subject to federal regulation as being in interstate commerce do not subject a firearm to federal regulation under interstate commerce because they are attached to or used in conjunction with a firearm in Kansas.

Sec. 5. A firearm manufactured in Kansas within the meaning of sections 1 through 11, and amendments thereto, must have the words "Made in Kansas" clearly stamped on a central metallic part, such as the receiver or frame.

Sec. 6. (a) Any act, law, treaty, order, rule or regulation of the government of the United States which violates the second amendment to the constitution of the United States is null, void and unenforceable in the state of Kansas.

(b) No official, agent or employee of the state of Kansas, or any political subdivision thereof, shall enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States regarding any personal firearm, firearm accessory or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas.

Sec. 7. It is unlawful for any official, agent or employee of the government of the United States, or employee of a corporation providing services to the government of the United States to enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States regarding a firearm, a firearm accessory, or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas. Violation of this section is a severity level 10 nonperson felony. Any criminal prosecution for a violation of this section shall be commenced by service of complaint and summons upon such official, agent or employee. Such official, agent or employee shall not be arrested or otherwise detained prior to, or during the pendency of, any trial for a violation of this section.

Sec. 8. A county or district attorney, or the attorney general, may seek injunctive relief in any court of competent jurisdiction to enjoin any official, agent or employee of the government of the United States or employee of a corporation providing services to the government of the United States from enforcing any act, law, treaty, order, rule or regulation of the government of the United States regarding a firearm, a firearm accessory, or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas.

Sec. 9. Sections 1 through 11, and amendments thereto, do not apply to: (a) A firearm that cannot be carried and used by one person;

(b) ammunition with a projectile that explodes using an explosion of chemical energy after the projectile leaves the firearm; or

(c) other than shotguns, a firearm that discharges two or more projectiles with one activation of the trigger or other firing device.

Sec. 10. Sections 1 through 11, and amendments thereto, apply to firearms, firearms accessories and ammunition that are manufactured, as defined in section 3, and amendments thereto, owned and remain within the borders of Kansas on and after October 1, 2009.

Sec. 11. If any provision of sections 1 through 10, and amendments thereto, or the application to any persons or circumstances is held to be invalid, such invalidity shall not affect the other provisions or application of sections 1 through 10, and amendments thereto, and to this end the provisions of section 1 through 10, and amendments thereto, are declared to be severable.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, in line 1 by striking all after "ACT"; by striking all in lines 2 and 3 and inserting "enacting the second amendment protection act.";

And your committee on conference recommends the adoption of this report.

ARLEN SIEGFREID

STEVEN BRUNK

LOUIS RUIZ

Conferees on part of House

RALPH OSTMEYER

JAY SCOTT EMLER

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **SB 102**.

On roll call, the vote was: Yeas 35; Nays 4; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Hawk, V. Schmidt.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: Under the Tenth Amendment to the United States Constitution, **SB 102**, as amended, protects the right of individual Kansans to keep and bear Kansas-made firearms free of federal government interference, under the Second Amendment and Section 4 of the Kansas Bill of Rights. Kansas-made firearms and accessories remaining within the borders of Kansas are not in interstate commerce. Thus, as this bill affirms, any federal law, rule or order seeking to regulate or restrict them is unconstitutional. The bill by its terms only proscribes enforcement of federal laws regarding firearms, not the people who use them. Thus, if by virtue of the criminal history or the felonious actions of the person using the firearm, a crime has occurred,

this bill would not prevent prosecution of that crime. For instance, federal criminal statutes prohibiting the use of a firearm in (or the possession of a firearm during) the commission of a felony or the possession of firearms by felons are not affected or proscribed by this act. **SB 102** establishes that the Second and Tenth Amendments to the U.S. Constitution are alive and well in Kansas. I vote yes on the conference committee report on **SB 102**.—JEFF KING

Senators Abrams, Apple, Arpke, Donovan, Holmes, LaTurner, Love, Lynn, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Pyle, Smith, and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator King on **SB 102**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2204** 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 6 through 34;

By striking all on pages 2 through 4;

On page 5, by striking line 1 and inserting:

"Section 1. K.S.A. 2012 Supp. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection (a) shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such

disposition is given by the court to the division. No new or replacement license shall be issued to any such person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection (a).

(b) No person shall apply for a replacement or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection (b) is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol or a guaranteed arrest bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft. Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in

subsection (c) and the amounts thereof shall be as follows:

On and after July 1, 1996:

Reckless driving.....	\$82
Driving when privilege is canceled, suspended or revoked.....	82
Failure to comply with lawful order of officer.....	57
Registration violation (registered for 12,000 pounds or less).....	52
Registration violation (registered for more than 12,000 pounds).....	92
No driver's license for the class of vehicle operated or violation of restrictions.....	52
Spilling load on highway.....	52
Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion.....	223

(e) In the event of forfeiture of any bond under this section, \$75 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$75, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(i) 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 2. K.S.A. 2012 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (4) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

~~(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the division of vehicles operating fund.~~

~~(B) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court. The provisions of this paragraph shall expire on January 1, 2012.~~

(c) Except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge

for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile detention facilities fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service. In any case of a failure to comply with a traffic citation which occurred on or after August 1, 1990, and prior to the effective date of this act, in which a person was assessed and paid a reinstatement fee and the person failed to comply with a traffic citation because the person was absent from Kansas because of any such military service, the reinstatement fee shall be reimbursed to such person upon application therefor. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(e) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 3. K.S.A. 2012 Supp. 21-6614 is hereby amended to read as follows: 21-6614. (a) (1) Except as provided in subsections (b), (c), (d) and (e), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10, or for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity level 4 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity level 5 of the drug grid may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b), (c), (d) and (e), 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 subsections (c), (d) and (e), 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 for crimes committed on or after July 1, 1993, but prior to July 1, 2012, any felony ranked in severity levels 1 through 3 of the drug grid, or for crimes committed on or after July 1, 2012, any felony ranked in severity levels 1 through 4 of the drug grid, or:

(1) Vehicular homicide, as defined in K.S.A. 21-3405, prior to its repeal, or K.S.A. 2012 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603, prior to its repeal, or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(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.

(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 K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child or aggravated indecent liberties with a child, as defined in K.S.A. 21-3503 or 21-3504, prior to their repeal, or K.S.A. 2012 Supp. 21-

5506, and amendments thereto;

(3) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(4) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) indecent solicitation of a child or aggravated indecent solicitation of a child, as defined in K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(6) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(7) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(8) endangering a child or aggravated endangering a child, as defined in K.S.A. 21-3608 or 21-3608a, prior to their repeal, or K.S.A. 2012 Supp. 21-5601, and amendments thereto;

(9) abuse of a child, as defined in K.S.A. 21-3609, prior to its repeal, or K.S.A. 2012 Supp. 21-5602, and amendments thereto;

(10) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

(11) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

(12) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

(13) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

(14) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto;

(15) sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;

(16) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(17) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(18) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(e) 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.

(f) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if

different than the defendant's current name;

- (C) defendant's sex, race and date of birth;
- (D) crime for which the defendant was arrested, convicted or diverted;
- (E) date of the defendant's arrest, conviction or diversion; and
- (F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$100. On and after ~~April 12, 2012, through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(g) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(h) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2012 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 Kansas department of social and rehabilitation for aging and disability services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the

Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto;

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto; or

(K) for applications received on and after July 1, 2006, to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2012 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.

(i) 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.

(j) Subject to the disclosures required pursuant to subsection (h), 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.

(k) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the ~~secretary of social and rehabilitation~~ secretary of social and rehabilitation for aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the ~~Kansas department of social and rehabilitation~~ Kansas department of social and rehabilitation for aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecutor, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;
- (11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto;

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(l) The provisions of subsection (k)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 4. K.S.A. 2012 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel. The petition shall state:

(1) The petitioner's full name;

(2) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;

(3) the petitioner's sex, race and date of birth;

(4) the crime for which the petitioner was arrested;

(5) the date of the petitioner's arrest; and

(6) the identity of the arresting law enforcement agency.

No surcharge or fee shall be imposed on any person filing a petition pursuant to this section, who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-6107, and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner.

(c) At the hearing on a petition for expungement, the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

(2) a court has found that there was no probable cause for the arrest;

(3) the petitioner was found not guilty in court proceedings; or

(4) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.

(d) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. If an order of expungement is entered, the petitioner shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes: (1) In any application for employment as a detective with a private detective agency, as defined in K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125

through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a petitioner's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 5. K.S.A. 2012 Supp. 23-2510 is hereby amended to read as follows: 23-2510.

(a) The judge or clerk of the district court shall collect from the applicant for a marriage license a fee of \$59.

(b) The clerk of the court shall remit all fees prescribed by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each remittance, the state treasurer shall credit 38.98% to the protection from abuse fund, 15.19% to the family and children trust account of the family and children investment fund created by K.S.A. 38-1808, and amendments thereto, 16.95% to the crime victims assistance fund created by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2012 Supp. 20-1a15, and amendments thereto, and the remainder to the state general fund.

(c) Except as provided further, the marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for a marriage license. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$26.50 per marriage license fee, to fund the costs of non-judicial personnel.

Sec. 6. K.S.A. 2012 Supp. 28-170 is hereby amended to read as follows: 28-170.

(a) The docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq., and amendments thereto. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued..... \$14
2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued..... \$24
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a, and amendments thereto.

(d) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2012 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2012 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq., and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$.50 which shall be deducted from the docket fee and credited to the indigents' defense services fund as provided in K.S.A. 28-172b, and amendments thereto.

(e) Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after the effective date of this act through June 30, 2013, July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.

Sec. 7. K.S.A. 2012 Supp. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows, on and after July 1, 2013:

(1) ~~On and after July 1, 2009 through June 30, 2013:~~

Murder or manslaughter	\$182.50
Other felony	173.00
Misdemeanor	138.00
Forfeited recognizance	74.50
Appeals from other courts	74.50

(2) On and after July 1, 2013:

Murder or manslaughter	\$180.50
Other felony	171.00
Misdemeanor	136.00
Forfeited recognizance	72.50
Appeals from other courts	72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways, including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto, a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of the Kansas Statutes Annotated, and amendments thereto, or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2009 through June 30, 2013, a docket fee of \$76 shall be charged, and on and after July 1, 2013, a docket fee of \$74 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, on and after July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs shall be \$76, and on and after July 1, 2013, the docket fee to be paid as court costs shall be \$74.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, ~~on and after July 1, 2009 through June 30, 2013, a docket fee of \$76 shall be charged, and~~ on and after July 1, 2013, a docket fee of \$74 shall be charged. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, ~~on and after July 1, 2009 through June 30, 2013, the docket fee to be paid as court costs shall be \$76, and~~ on and after July 1, 2013, the docket fee to be paid as court costs shall be \$74.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court

costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

(f) 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 8. K.S.A. 2012 Supp. 28-177 is hereby amended to read as follows: 28-177.

(a) Except as provided in this section and K.S.A. 2012 Supp. 28-178, and amendments thereto, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$26.50 per fee or the amount established by the applicable statute, whichever amount is less, to fund the costs of non-judicial personnel.

(b) Such additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, 22-2410, ~~23-108a~~, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2012 Supp. 21-6614, 23-2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch surcharge fund, which is hereby created in the state treasury.

(c) All moneys credited to the judicial branch surcharge fund shall be used for compensation of non-judicial personnel and shall not be expended for compensation of judges or justices of the judicial branch.

(d) All expenditures from the judicial branch surcharge fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

Sec. 9. K.S.A. 2012 Supp. 28-178 is hereby amended to read as follows: 28-178.

(a) In addition to any other fees specifically prescribed by law, on and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch surcharge fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Sec. 10. K.S.A. 2012 Supp. 28-179 is hereby amended to read as follows: 28-179.

(a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of ~~\$42 on and after July 1, 2009 through June 30, 2013, and~~ \$40 on and after July 1, 2013, to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through~~

~~June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 11. K.S.A. 2012 Supp. 32-1049a is hereby amended to read as follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism citation means failure to:

(1) Appear before any district court in response to a wildlife, parks and tourism citation and pay in full any fine, court costs, assessments or fees imposed;

(2) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife, parks and tourism laws of this state; or

(3) otherwise comply with a wildlife, parks and tourism citation as provided in K.S.A. 32-1049, and amendments thereto.

Failure to comply with a wildlife, parks and tourism citation is a class C misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term "citation" means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife, parks and tourism laws or rules and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife, parks and tourism citation or sentence for a violation of wildlife, parks and tourism laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the Kansas department of wildlife, parks and tourism shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife, parks and tourism citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife, parks and tourism citation or sentence of the district court for violation of the wildlife, parks and tourism laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the department shall terminate the suspension action, unless the violator is otherwise suspended.

(d) Except as provided in subsection (e), when the district court notifies the department of a failure to comply with a wildlife, parks and tourism citation or failure to comply with a sentence of the district court imposed on violation of a wildlife, parks and tourism law or rule and regulation, the court shall assess a reinstatement fee of \$50 for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection

(d), if the failure to comply with a wildlife, parks and tourism citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(f) Except as provided further, the reinstatement fee established in subsection (d) shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 12. K.S.A. 2012 Supp. 38-2215 is hereby amended to read as follows: 38-2215. (a) *Docket fee*. The docket fee for proceedings under this code, if one is assessed as provided in this section, shall be \$34. Only one docket fee shall be assessed in each case. 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Expenses*. The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket fee may be assessed or waived by the court conducting the initial dispositional hearing and the docket fee may be assessed against the complaining witness or person initiating the proceedings or a party or interested party other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state, or a person acting in the capacity of an employee of the state or of a political subdivision of the state. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses*. Expenses may be assessed against the complaining witness, a person initiating the proceedings, a party or an interested party, other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state. When expenses are recovered from a person against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery. If it appears to the court in any proceedings under this code that expenses were unreasonably incurred at the request of any party the court may assess that portion

of the expenses against the party.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportion of the expenses is collected by the receiving court. All amounts collected shall first be applied toward payment of the docket fee.

Sec. 13. K.S.A. 2012 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 K.S.A. 2012 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2012 Supp. 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto, aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, sexual exploitation; K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5601, and amendments thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2012 Supp. 21-5602, 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.

(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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. 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.

(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.

(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.

(g) A certified copy of any order made pursuant to subsection (a) or (d) shall be sent to 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 agency fails to comply with the order within a reasonable time after its receipt, such agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(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.

(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.

(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~~ secretary of aging and disability services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the ~~Kansas department of social and rehabilitation~~ aging and disability services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) 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;
- (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. 2012 Supp. 38-2314 is hereby amended to read as follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under this code, if one is assessed as provided by this section, shall be \$34. Only one docket fee shall be assessed in each case. 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial

personnel.

(b) *Expenses.* The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket fee may be assessed or waived by the court conducting the initial sentencing hearing and may be assessed against the juvenile or the parent of the juvenile. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses.* Expenses may be waived or assessed against the juvenile or a parent of the juvenile. When expenses are recovered from a party against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery.

(3) *Prohibited assessment.* Docket fees or expenses shall not be assessed against the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportionate share of the expenses is collected by the receiving court. Unless otherwise ordered by the court, all amounts collected shall first be applied toward payment of restitution, then toward the payment of the docket fee.

Sec. 15. K.S.A. 2012 Supp. 59-104 is hereby amended to read as follows: 59-104.

(a) *Docket fee.* (1) Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, without payment of an appropriate docket fee as follows, on and after July 1, 2013:

(A) — On and after July 1, 2009 through June 30, 2013:	
Treatment of mentally ill	\$59.00
Treatment of alcoholism or drug abuse	36.50
Determination of descent of property	51.50
Termination of life estate	50.50
Termination of joint tenancy	50.50
Refusal to grant letters of administration	50.50
Adoption	50.50
Filing a will and affidavit under K.S.A. 59-618a	50.50
Guardianship	71.50
Conservatorship	71.50
Trusteeship	71.50
Combined guardianship and conservatorship	71.50
Certified probate proceedings under K.S.A. 59-213,	

and amendments thereto	25.50
Decrees in probate from another state	110.50
Probate of an estate or of a will	111.50
Civil commitment under K.S.A. 59-29a01 seq.	35.50
(B) — On and after July 1, 2013:	
Treatment of mentally ill	34.50
Treatment of alcoholism or drug abuse	34.50
Determination of descent of property	49.50
Termination of life estate	48.50
Termination of joint tenancy	48.50
Refusal to grant letters of administration	48.50
Adoption	48.50
Filing a will and affidavit under K.S.A. 59-618a	48.50
Guardianship	69.50
Conservatorship	69.50
Trusteeship	69.50
Combined guardianship and conservatorship	69.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto	23.50
Decrees in probate from another state	108.50
Probate of an estate or of a will	109.50
Civil commitment under K.S.A. 59-29a01 seq.	33.50

(2) 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 16. K.S.A. 2012 Supp. 60-2001 is hereby amended to read as follows: 60-2001. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket

fee in the amount of ~~\$156 on and after July 1, 2009 through June 30, 2013, and \$154 on and after July 1, 2013~~, to the clerk of the district court. Except as provided further, the docket fee established in this subsection 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in: (A) The six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, _____ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

(c) *Disposition of fees.* The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. For every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. The service of process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the

parties as directed by the court. No sheriff in this state shall charge any mileage for serving any papers or process.

Sec. 17. K.S.A. 2012 Supp. 60-2203a is hereby amended to read as follows: 60-2203a. (a) After the commencement of any action in any district court of this state, or the courts of the United States in the state of Kansas or in any action now pending heretofore commenced in such courts, which does not involve title to real estate, any party to such action may give notice in any other county of the state of the pendency of the action by filing for record with the clerk of the district court of such other county a verified statement setting forth the parties to the action, the nature of the action, the court in which it is pending, and the relief sought, which shall impart notice of the pendency of the action and shall result in the same lien rights as if the action were pending in that county. The lien shall be effective from the time the statement is filed, but not to exceed four months prior to the entry of judgment except as provided in subsection (c). The party filing such notice shall within 30 days after any satisfaction of the judgment entered in such action, or any other final disposition thereof, cause to be filed with such clerk of the district court a notice that all claims in such action are released. If the party filing fails or neglects to do so after reasonable demand by any party in interest, such party shall be liable in damages in the same amounts and manner as is provided by law for failure of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such a notice of the pendency of an action the clerk shall charge a fee of \$14 and shall enter and index the action in the same manner as for the filing of an original action. Upon the filing of a notice of release, the notice shall likewise be entered on the docket. Except as provided further, the fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the court procedure. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per fee, to fund the costs of non-judicial personnel.

(b) Any notice of the type provided for in subsection (a) which was filed on or after January 10, 1977, and prior to the effective date of this act shall be deemed to impart notice of the pendency of the action in the same manner as if the provisions of subsection (a) were in force and effect on and after January 10, 1977.

(c) Notwithstanding the foregoing provisions of this section, the filing of a notice of the pendency of an action pursuant to subsection (a) shall create no lien rights against the property of an employee of the state or a municipality prior to the date judgment is rendered if the pleadings in the pending action allege a negligent or wrongful act or omission of the employee while acting within the scope of such employee's employment, regardless of whether or not it is alleged in the alternative that the employee was acting outside of such employee's employment. A judgment against an employee shall become a lien upon such employee's property in the county where notice is filed pursuant to subsection (a) when the judgment is rendered only if it is found that: (1) The employee's negligent or wrongful act or omission occurred when the employee was acting outside the scope of such employee's employment; or (2) the employee's conduct which gave rise to the judgment was because of actual fraud or actual malice of the employee. In such cases the lien shall not be effective prior to the date judgment was rendered. As used in this subsection (c), "employee" shall have the

meaning ascribed to such term in K.S.A. 75-6102, and amendments thereto.

Sec. 18. K.S.A. 2012 Supp. 61-2704 is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of ~~\$39 on and after July 1, 2009, through June 30, 2013,~~ and \$37 on and after July 1, 2013, if the claim does not exceed \$500; or ~~\$59 on and after July 1, 2009, through June 30, 2013,~~ and \$57 on and after July 1, 2013, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$12.50 per docket fee, to fund the costs of non-judicial personnel.

Sec. 19. K.S.A. 2012 Supp. 61-4001 is hereby amended to read as follows: 61-4001. (a) Docket fee. (1) No case shall be filed or docketed pursuant to the code of civil procedure for limited actions without the payment of a docket fee in the amount of ~~\$37 on and after July 1, 2009, through June 30, 2013,~~ and \$35 on and after July 1, 2013, if the amount in controversy or claimed does not exceed \$500; ~~\$57 on and after July 1, 2009, through June 30, 2013,~~ and \$55 on and after July 1, 2013, if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; or ~~\$103 on and after July 1, 2009, through June 30, 2013,~~ and \$101 on and after July 1, 2013, if the amount in controversy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(2) 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, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel.

(b) Poverty affidavit; additional court costs; exemptions for the state and municipalities. The provisions of subsections (b), (c) and (d) of K.S.A. 60-2001 and 60-2005, and amendments thereto, shall be applicable to lawsuits brought under the code of civil procedure for limited actions.

Sec. 20. K.S.A. 2012 Supp. 65-409 is hereby amended to read as follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14 for entering and filing a lien

statement under this act.

(b) Except as provided further, the lien fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such lien. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after ~~the effective date of this act through June 30, 2013~~ July 1, 2013, through July 1, 2015, the supreme court may impose an additional charge, not to exceed \$22 per lien fee, to fund the costs of non-judicial personnel.

Sec. 21. K.S.A. 2012 Supp. 8-2107, 8-2110, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 are hereby repealed.";

And by redesignating sections accordingly;

On page 1, in the title, by striking lines 1 through 3 and inserting:

"AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; amending K.S.A. 2012 Supp. 8-2107, 8-2110, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2204**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: McGinn.

The Conference Committee Report was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2403**, as amended by House Committee, be amended on page 1, in line 23, by striking "5%" and inserting "4%"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2037** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2037," as follows:

"Senate Substitute for HOUSE BILL No. 2037

By Committee on Federal and State Affairs

"AN ACT concerning certain state officers; amending K.S.A. 75-3727a and K.S.A. 2012 Supp. 75-4203 and repealing the existing sections."; and the substitute bill be passed.

On motion of Senator Bruce, the Senate adjourned until 10:00 a.m., Wednesday, May 8, 2013.

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 8, 2013, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

As we reconvene this morning for a short but intense session we pause in grateful thanksgiving for the escape of three kidnapped women in Cleveland, Ohio. Held over a decade, the end of this horrible time in their lives brings a sense of relief to the families involved, and a sense of great concern at the absurd indignity.

Dear God, thank you for the release of these three women and help us to be aware of the horrible things that happen in our world and give us, we pray, the determination to do all we can to stop them. In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 245, AN ACT concerning financing for capital improvements; relating to the national bio and agro defense facility; amending K.S.A. 2012 Supp. 74-8963 and repealing the existing section, by Committee on Ways and Means.

SB 246, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2012 Supp. 8-1,161, 12-4106, as amended by section 1 of 2013 House Bill No. 2041, 21-5109, 21-5302, as amended by section 6 of 2013 Senate Bill No. 16, 21-5808, 21-5904, 21-5924, 21-6302, as amended by section 4 of 2013 Senate Substitute for House Bill No. 2052, 21-6614, as amended by section 19 of 2013 Senate Substitute for House Bill No. 2034, 22-2802, 22-2908, 22-3212, 22-3717, as amended by section 27 of 2013 Senate Substitute for House Bill No. 2034, 32-1438, 39-709, as amended by section 1 of 2013 Senate Bill No. 149, 44-706, as amended by section 5 of 2013 Substitute for House Bill No. 2105, 44-709, as amended by section 3 of 2013 Senate Bill No. 187, 45-221, as amended by section 2 of 2013 Senate Bill No. 81, 45-229, as amended by section 1 of 2013 House Bill No. 2012, 47-422, 47-1804, 60-3107, 60-4104, as amended by section 41 of 2013 Senate Substitute for House Bill No. 2034, 65-4101, 72-978, 74-7901, 75-7c05, as amended by section 7 of 2013 Senate Substitute for House Bill No. 2052, 75-3740, 75-37,121, 75-4362, as amended by section 5 of 2013 Senate Bill No. 149, 75-5133, 75-6102, 75-6609, 79-3234, 79-32,117, as amended by section 3 of 2013 House Substitute for Senate Bill No. 83 and 79-32,160a and repealing the

existing sections; also repealing K.S.A. 2012 Supp. 2-1930a, 2-1931a, 8-1,161a, 12-4106, as amended by section 8 of 2013 Senate Substitute for House Bill No. 2034, 21-5109a, 21-5302, as amended by section 12 of 2013 Senate Substitute for House Bill No. 2034, 21-5808a, 21-5904a, 21-5924a, 21-6302, as amended by section 3 of 2013 House Bill No. 2033, 21-6614, as amended by section 3 of 2013 Senate Bill No. 21, 22-2802c, 22-2908a, 22-3212b, 22-3717, as amended by section 6 of 2013 House Bill No. 2170, 32-1438a, 39-709, as amended by section 23 of 2013 Substitute for House Bill No. 2183, 39-923a, 44-706, as amended by section 4 of 2013 Senate Bill No. 149, 44-709, as amended by section 6 of 2013 Substitute for House Bill No. 2105, 45-221, as amended by section 6 of 2013 Senate Substitute for House Bill No. 2052, 45-221, as amended by section 1 of 2013 House Bill No. 2128, 45-229, as amended by section 1 of 2013 House Bill No. 2144, 47-422a, 47-1001g, 47-1008a, 47-1302a, 47-1701a, 47-1709a, 47-1725a, 47-1804a, 47-1809a, 60-3107a, 60-4104, as amended by section 8 of 2013 Senate Bill No. 16, 65-1685a, 65-4101b, 72-978a, 74-7901a, 75-7c05, as amended by section 6 of 2013 Senate Bill No. 21, 75-3740d, 75-37,121a, 75-4362, as amended by section 2 of 2013 House Bill No. 2302, 75-5133b, 75-6102c, 75-6609a, 79-3234c, 79-32,117, as amended by section 17 of 2013 House Bill No. 2253, 79-32,160f, 82a-220a and 82a-903a, by Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

SB 74, SB 142 approved on April 10, 2013.

SB 1, SB 27, SB 56, SB 81, SB 120, SB 128, SB 136 approved on April 11, 2013.

SB 16, SB 23, Sub SB 57, H Sub for SB 83, SB 88, SB 96, SB 102, SB 111, SB 122, SB 124, SB 129, SB 149, SB 164, SB 168, SB 187 approved on April 16, 2013.

SB 199 approved on April 22, 2013.

The Senate received Executive Directive No. 13-439 on April 29, 2013.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Longbine introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1755—

A RESOLUTION congratulating Emporia State University's debate team of Ryan Wash and Elijah Smith on winning the National Debate Tournament and the Cross Examination Debate Association national tournament.

WHEREAS, Emporia State University Debate Team Ryan Wash and Elijah Smith won the National Debate Tournament (NDT) defeating a team from Northwestern University; and

WHEREAS, The debate program at Emporia State University began in 1881 as the Alpha Society at Kansas State Normal School; and

WHEREAS, The program has grown from interstate competition with teams in the Midwest to national competition against teams from universities and colleges of all sizes; and

WHEREAS, The team was led by Coach Sam Mauer; and

WHEREAS, This win comes just a week after Smith and Wash won the Cross Examination Debate Association (CEDA) national tournament; and

WHEREAS, Emporia State University is the first program to have a team win both titles in the same season; and

WHEREAS, The CEDA crowns the popular national champion, and this is a tournament that is open to all teams that want to compete. The NDT requires teams to qualify to participate in the tournament; and

WHEREAS, Smith and Wash are also the first black team to win the NDT title. Their final round took more than two hours: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Ryan Wash and Elijah Smith on winning both the National Debate Tournament and the Cross Examination Debate Association national tournament. The Emporia State University community and the entire State of Kansas can be proud of their accomplishments, and we wish them future success; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1755** was adopted unanimously.

Senator Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1756—

A RESOLUTION memorializing the life of Ivan Wyatt.

WHEREAS, Ivan Wyatt served as Vice President of Kansas Farmers Union, the state's oldest active general agriculture organization, from 1973-1981, served as State President from 1981-2000, and passed away on February 25, 2013, at the age of 83; and

WHEREAS, Ivan was instrumental in organizing and chartering the Chase County Farmers Union, serving as county president for a number of years. He also served on the Board of Directors of National Farmers Union during his tenure as State President; and

WHEREAS, During his 50 years of involvement in Kansas Farmers Union, Ivan worked relentlessly to protect family farms and ranches and develop and champion farmer-owned cooperatives. In Topeka, President Wyatt worked on strengthening corporate farming laws to protect family farms from corporate takeover; and

WHEREAS, Ivan was committed to issues Kansas Farmers Union members stood for in policy. He enjoyed being engaged at the state legislature, as well as on the national level. Ivan worked to help build links and bridges, and he made sure Kansas' elected officials were never left thinking there was only one side of an issue; and

WHEREAS, During his career in Farmers Union, Ivan made hundreds of friends and was well-respected in the agriculture industry where he met agriculture leaders from across the U.S. and the world. Family farming was in his heart, and he worked persistently to ensure its success and future; and

WHEREAS, Ivan leaves behind his daughters, Cheryl Leitnaker of Ottawa and Colette Freeman of Effingham, IL; six grandchildren and eight great grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we memorialize the life of Ivan Wyatt and thank him for his service to the farmers, ranchers and rural communities of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Hensley.

On emergency motion of Senator Hensley **SR 1756** was adopted unanimously.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **S Sub for HB 2052**.

The House adopts the Conference Committee report on **Sub HB 2105**.

The House adopts the Conference Committee report on **Sub HB 2183**.

The House adopts the Conference Committee report on **HB 2234**.

The House adopts the Conference Committee report on **HB 2253**.

The House not adopts the Conference Committee report on **S Sub for HB 2199**, requests a conference and appoints Representatives Siegfried, Brunk and Ruiz as Second conferees on the part of the House.

REPORT ON ENROLLED BILLS

SB 1, SB 16, SB 27, SB 56, SB 81, SB 111, SB 120, SB 128, SB 136, SB 149 reported correctly enrolled, properly signed and presented to the Governor on April 8, 2013.

SB 23, Sub SB 57, H Sub for SB 83, SB 88, SB 96, SB 102, SB 122, SB 124, SB 129, SB 164, SB 168, SB 187, SB 199 reported correctly enrolled, properly signed and presented to the Governor on April 12, 2013.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met pursuant to recess, with Vice President King in the chair.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Thursday, May 9, 2013.

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 9, 2013, 10:30 a.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with thirty-nine members present.

Senator Apple was excused.

Invocation by Father Don Davidson:

Dear Heavenly Father, I thank you for the beauty of this day, for life, health and strength. Bless our legislators and the work they do, and bless their families far and wide. Guide and direct them in their work and be with all our leaders that in all things and in every way, your will may be done. Amen.

The Pledge of Allegiance was led by Vice President Jeff King.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Ways and Means: **SB 245, SB 246.**

COMMUNICATIONS FROM STATE OFFICERS

KANSAS HUMAN RIGHTS COMMISSION

May 8, 2013

Executive Director, William V. Minner submitted a copy of the Annual Report, Fiscal Year 2012, July 1, 2011 – June 30, 2012.

In addition, Executive Director, William V. Minner reported the celebration of the 60th anniversary of the Commission.

Vice President Jeff King 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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1757—

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, National data show that as many as 16 million Americans age 12 or older have abused controlled prescription medications, including pain relievers, tranquilizers, sedatives and stimulants; and

WHEREAS, Barry R. Grissom, United States Attorney, District of Kansas, has declared that "prescription drugs are being used, misused, and abused at an alarming rate" and that he is "seeing more cases of accidental poisoning, addiction and overdose deaths. It is not an overstatement to call this an epidemic in the truest sense of the word. It has become a major threat to public health and public safety."; and

WHEREAS, Unused prescription narcotics at home contribute to drug abuse and risks of accidental deaths of children and the elderly. The second leading source of abused prescription drugs is in the home medicine cabinet. The number one source is friends and relatives, who often get the prescription drugs from other people's medicine cabinets. This demonstrates the importance of disposing unused prescription medications rather than leaving them in a medicine cabinet at home; and

WHEREAS, Americans that participated in the U.S. Department of Justice Drug Enforcement Administration's third National Prescription Drug Take-Back Day in 2012 turned in more than 552,161 pounds, or 276 tons, of prescription drugs at over 5,600 sites operated by the DEA and nearly 4,300 state and local law enforcement partners. Last year, more than 5,300 pounds of unused prescription drugs were collected during Kansas' drug take-back day. On April 27, 2013, Kansans set a new record during the national drug take-back day event, collecting more than 10,000 pounds, or 5 tons, of unused medications from 101 locations across the state; and

WHEREAS, It must be recognized that a drug cabinet full of old or unused prescription medicine is a health hazard, increasing the risk of poison and abuse among adults, teenagers and children across the state and across the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the misuse and abuse of prescription drug medications as a major threat to public health and safety in Kansas and nationwide; and

Be it further resolved: That the Secretary of the Senate shall send an enrolled copy of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1757** was adopted unanimously.

MESSAGE FROM THE HOUSE

HCR 5018, A CONCURRENT RESOLUTION honoring native Kansan, Army Chaplain Father Emil Kapaun, Medal of Honor winner, was introduced and read by title.

On emergency motion of Senator Wagle, **HCR 5018** was adopted by voice vote.

ORIGINAL MOTION

On motion of Senator Ostmeyer, the Senate acceded to the request of the House for a conference on **S Sub for HB 2199**.

MAY 9, 2013

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Vice President Jeff King appointed Senators Ostmeyer, Emler and Faust-Goudeau as second conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 9:30 a.m., Friday, May 10, 2013.

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 10, 2013, 9:30 a.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with thirty-nine senators present.

Senator Lynn was excused.

Invocation by Father Don Davidson:

Almighty and everlasting God we give you thanks this day for Mothers. Truly your gift, Motherhood is a life-long commitment to the raising of children, giving them everything necessary for a whole life filled with the values of upright living, kindness and consideration but most of all love. As we celebrate Mother's Day this weekend, let us take the time to remember our Mothers, those who are with us in this early life and those who are with you in paradise. Help us every day to consider their sacrifices on our behalf, and give thanks for them by the way we live our lives and pass on their wisdom. In your name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1758—

A RESOLUTION honoring the lives of Officer Jeff Atherly
and Corporal David Gogian, who were killed in the line of duty.

WHEREAS, Corporal David Gogian and Police Officer Jeff Atherly were shot and killed in the line of duty on December 16, 2012, while checking on a suspicious vehicle in a grocery store parking lot; and

WHEREAS, Several minutes after making contact with the multiple subjects in the vehicle, one of the subjects opened fire, fatally wounding Officer Atherly and Corporal Gogian; and

WHEREAS, The suspected shooter was killed following a standoff and exchange of gunfire between the shooter and the Kansas Bureau of Investigation; and

WHEREAS, Corporal David Gogian was a U.S. Military veteran and had served with the Topeka Police Department for eight years. Corporal Gogian was born in Lynwood, California. He graduated from high school in Las Vegas, Nevada and earned a Master's Degree in Criminal Justice from Washburn University. Corporal Gogian served in the

United States Marine Corps from 1981-1986 and in the Kansas Air National Guard from 1991-2010. Corporal Gogian became a Reserve Police Officer in 1992 for the Topeka Police Department, and he later became a full-time Police Officer in 2004; and

WHEREAS, Officer Jeff Atherly had served the Topeka Police Department for one year and eight months. Officer Atherly was born in Topeka, Kansas. He attended Carbondale schools for elementary school and graduated from Santa Fe Trail High School. Officer Atherly received a Bachelor of Science degree from Washburn University. Officer Atherly attended a two-year training program at the Topeka Police Academy, graduating in September, 2001; and

WHEREAS, These fatalities are a true tragedy. Police officers, like Corporal Gogian and Officer Atherly, are an essential part of our nation's society. They risk their lives on a daily basis to keep citizens safe and out of harm's way. Both officers leave behind loving families: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the lives of Officer Atherly and Corporal Gogian. The ultimate sacrifice they have made to protect the people of Topeka is deeply appreciated by all Kansans; and

Be it further resolved: That the Secretary of the Senate be directed to provide ten enrolled copies of this resolution to Senator Hensley.

Guests introduced included Samona Gogian, wife of Corporal Gogian, Steve Atherly, father of Officer Atherly, and Topeka Police Chief Ron Miller.

On emergency motion of Senator Hensley **SR 1758** was adopted unanimously.

The Senators honored the officers and their families with a standing ovation.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1759—

A RESOLUTION congratulating Topeka Mayor Bill Bunten on his retirement.

WHEREAS, Topeka's mayor, Bill Bunten, is retiring after eight years as mayor, 28 years in the Kansas House of Representatives, and two years in the Kansas Senate; and

WHEREAS, Bill Bunten is a native Topekan. He attended Randolph Grade School, Boswell Junior High and Topeka High School. Bunten then attended the University of Kansas where he graduated in 1952 with a bachelor's degree in business administration; and

WHEREAS, After college, Bill Bunten became an officer in the Marine Corps, serving a tour that included time in Japan and duty patrolling along the demilitarized zone in Korea. He left active duty in late 1954 and remained in the Marine Reserves; and

WHEREAS, Bill Bunten was married in 1962 to JoAnn, and they have two grown children and three grandchildren; and

WHEREAS, Also in 1962, Bill Bunten ran for his first term in the Kansas House of Representatives. He won his election starting his 14 terms representing southwest Topeka's 54th District. He spent eight years as chairman and six years as vice chairman of the House Appropriations Committee and its predecessor, the Ways and Means Committee; and

WHEREAS, Bunten was elected mayor of Topeka on April 5, 2005. During this time he has issued 466 mayoral proclamations and made numerous appearances at public

events; and

WHEREAS, When speaking about his career in public service, Bill Bunten says, "I believe it was Mayor James McClinton who said being mayor of Topeka was the best job anyone could have – and I agree." Mayor Bunten is pleased that the Topeka community has become re-energized and is bringing in new companies and retaining existing businesses: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Mayor Bill Bunten on his retirement. He has been an incredible public figure for the Topeka community, and his efforts are much appreciated. We wish him well during his retirement; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Hensley.

Also introduced was Joann Bunten, wife of Mayor Bunten.

On emergency motion of Senator Hensley **SR 1759** was adopted unanimously.

The Senators honored Mayor Bunten with a standing ovation.

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1760—

A RESOLUTION congratulating Ted Ensley
on his retirement from the Shawnee County Commission.

WHEREAS, Ted Ensley is retiring from the Shawnee County Commission after 16 years of dedicated public service. He was first elected in 1996 and re-elected in 2000, 2004 and 2008; and

WHEREAS, Ted Ensley graduated from Kansas State University in 1962 with a bachelor's degree in Biology. He was then hired by Shawnee County Commissioner, Dick Hanger, as the new Parks and Recreation Director. He served in this position for 31 years with the primary objective of beautifying Lake Shawnee; and

WHEREAS, Under Ted Ensley's leadership, the lake was transformed from a county fishing hole to the community centerpiece it is now; and

WHEREAS, Before his service on the Shawnee County Commission, Ted Ensley also served as President of the Kansas Association of Counties, Secretary of Kansas Wildlife and Parks, General Manager of the Kansas Expocentre and Vice Chairman for the Kansas Wildlife and Parks Commission; and

WHEREAS, Ted Ensley was awarded the Kansas Recreation and Parks Association Distinguished Fellow Award in 1985. In 2004, he was inducted into the Kansas Parks and Recreation Hall of Fame by the Kansas Recreation and Parks Association; and

WHEREAS, The world class gardens at Lake Shawnee were named the "Ted Ensley Gardens" because of his long association with Lake Shawnee. He says the most personally rewarding part of his years in public service is seeing the great numbers of people enjoying themselves at Lake Shawnee; and

WHEREAS, Ted Ensley is married to his lovely wife, Elna, and they have three children and six grandchildren together: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Ted Ensley on his retirement and thank him for his years of dedication to Shawnee County and the State of Kansas. Public servants like Ted Ensley help make Kansas a great state for all

its citizens, and we wish him well in his retirement; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Hensley.

Also introduced was Elna Ensley, wife, Kathy Cheatam, daughter and grandson, Ian Ensley.

On emergency motion of Senator Hensley **SR 1760** was adopted unanimously.

The Senators honored Commissioner Ensley with a standing ovation.

Senator Apple introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1761—

A RESOLUTION honoring David Miller
for his 24-year career as Miami County Attorney.

WHEREAS, David Miller was sworn in as Miami County Attorney in 1989, has worked tirelessly for the people of Miami County for 24 years and is now retiring; and

WHEREAS, Mr. Miller's desire to help the community led him to attend law school where he developed a passion for prosecution as a way to keep the community safe. When talking about his career, Mr. Miller has said, "I've had a great career, and would not have wanted it to go in any other direction." He also described being a prosecutor as an awesome responsibility that can be very rewarding and satisfying when making accomplishments in the community; and

WHEREAS, Mr. Miller and his office played a key role in bringing the Big Brothers Big Sisters program to Miami County in 2001. Mr. Miller served as chairman on the board of Big Brothers Big Sisters for three years and then served on the board for another seven years; and

WHEREAS, While in his office, Mr. Miller made substantial positive changes. Mr. Miller doubled the number of assistant prosecutors in his office as well as the number of support staff to keep up with the increase in population and the change in crime in the community. Mr. Miller also changed the protocol for handling domestic violence cases such that any case where the crime is provable is prosecuted whether the victim wants to proceed or not. While all these positive changes have taken place, the office has remained on the third floor of the historical Miami County Courthouse, which was built in 1898: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor David Miller on his successful career as Miami County Attorney, and we thank him for the service he has provided to the state of Kansas. Community servants like Mr. Miller help keep Kansas a safe and enjoyable place to live, and we are grateful for their work. We wish Mr. Miller a happy retirement and note that he will be missed in his position as County Attorney; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Apple.

On emergency motion of Senator Apple **SR 1761** was adopted unanimously.

The Senators honored Mr. Miller with a standing ovation.

Senators Kelly, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1762—

A RESOLUTION congratulating the Hayden Catholic High School girls' and boys' soccer teams on their Class 4-1A state championships.

WHEREAS, The Hayden Catholic High School girls' and boys' soccer teams both won the 2012 Class 4-1A state championship; and

WHEREAS, The girls' team had a record of 14-7. Three of the players went on to play division II soccer at Washburn University, Emporia State University and Ft. Hays State University. This was the girls' first state championship; and

WHEREAS, The members of the girls' team are Sarah Pimentel, Mariah Trupp, Addie Barry, Carlee Seitz, Randi Watson, Shannon Strecker, Margaret Dunshee, Jacki Martinek, Melinda Faught, Jeana Johnson, Kirah Lohse, Mackenzie Cox, Kaylee McCaffrey, Courtney Schumacher, Katie Schmanke, Katie Wolfe, Kiley Ossello, Hailey Myers, Melissa Vega, Ali Taggart, Miranda Beck, Kylie Watson and Jamie Myers; and

WHEREAS, The girls' team is coached by Head Coach, Klaus Kreutzer, and Assistant Coach, Markie Gallagher. The team managers are Mariah Valdivia, Julie Rodgers and Carrisa Escobar; and

WHEREAS, The boys' team had a record of 20-1. Their only loss was a 1-0 match to the eventual 6A state champion. This is the Hayden Catholic High School boys' soccer team's second state championship; and

WHEREAS, The members of the boys' team are Jacob Kirmer, Ryan Anderson, Brian Kongs, Jacob Maichel, Trenton Wecker, Nick Smith, Zack Mryyan, Jacob Keck, Ryan Kinman, Conner Beck, Bennett Federico, Josh May, Ryan Spellman, Matthew Mohan, Alex Singer, Brogan Heinen, Derek Meier, Pedro Ortega, Dylan Seitz, Ty Dickerson, Drew Seitz and Mike Self; and

WHEREAS, The boys' team is coached by Head Coach, Klaus Kreutzer, and Assistant Coach, Jeff Gabriel. The team managers are Randi Watson and Margaret Dunshee: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the Hayden Catholic High School girls' and boys' soccer teams on each of their Class 4-1A state championships. Their hard work is an inspiration, and we wish them success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide one enrolled copy of this resolution to Senator Kelly.

On emergency motion of Senator Kelly **SR 1762** was adopted unanimously.

The Senators honored the teams with a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Pettey rose on a Point of Personal Privilege to introduce the newly elected Mayor/CEO of Kansas City, KS and Wyandotte County, Mark Holland.

The Senators honored Mayor Holland with a standing ovation.

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator King as a member of the Conference Committee on **HB 2162** to replace Senator Pyle.

The Vice President announced the appointment of Senator Smith as a member of the Conference Committee on **HB 2162** to replace Senator Holmes.

The Vice President announced the appointment of Senator Haley as a member of the Conference Committee on **HB 2162** to replace Senator Faust-Goudeau.

MESSAGE FROM THE GOVERNOR

SB 37 provides an opportunity to determine if the Kansas Home Inspectors Registration Board should be made permanent. Central to this issue is whether or not the potential harm inflicted upon the citizens of Kansas by unscrupulous home inspectors warrants the expansion of government and increased regulation that was applied in 2008 to this segment of the private sector. Also, the sunset that was added to the statute in 2009 allows us to reconsider the efficiency, effectiveness, and necessity of the board. Sunset dates are an important tool of the limited government and should only be removed under very limited circumstances. Upon review of the materials provided by the proponents of this legislation, both in 2008 and 2013, I see little evidence of the large numbers of Kansas citizens being economically harmed by home inspectors. In fact, even the proponents believe the vast majority of Kansans who provide this service are honest people. Therefore, it appears the legislation passed in 2008 may simply add unnecessary fees and regulations to law abiding citizens. Secondly, it appears the board may lack the resources and expertise to effectively regulate this industry. The Office of the Attorney General of Kansas includes a Consumer Protection Division better equipped with a professional staff with the expertise to conduct a high quality investigation and assist Kansans seeking redress. However, clearly a majority of legislators believe the board should continue to operate. Therefore, I invite the legislature to send me legislation that extends the sunset for a period of two years after carefully considering the concerns I have outlined above. Pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **SB 37**.

Signed April 11, 2013.

SAM BROWNBACK
Governor

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2120**.

The House adopts the Conference Committee report on **HB 2218**.

The House accedes to the request of the Senate for a conference on **SB 171** and has appointed Representatives Cassidy, Grosserode and Winn as conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2261**.

The House adopts the Conference Committee report on **SB 20**.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 246** be passed.

Also, **SB 245** be amended on page 1, in line 33, by striking "June 2, 2011" and inserting "May 8, 2013"; in line 34, by striking the comma and inserting ":

(1) ";

On page 2, in line 1, by striking the comma and inserting a semicolon; also in line 1, after "and" by inserting:

"(2) ";

Also on page 2, in line 2, after "the" by inserting ":

(A) ";

Also on page 2, in line 4, by striking all after "thereto"; in line 5, by striking all before "state" and inserting "; and

(B) ";

Also on page 2, in line 9, after the period by inserting "Prior to the approval of the issuance of such bonds, the state finance council shall have reviewed the signed contract for the construction of such capital improvement project and confirmed that such contract contains provisions that any additional costs or any change orders of such capital improvement project shall be paid by the United States department of homeland security and that construction will proceed in accordance with the provisions of such contract."; and the bill be passed as amended.

HB 2216, as amended by House Committee of the Whole, be amended on page 2, by striking all in lines 41 through 43;

On page 3, by striking all in lines 1 through 26;

And by renumbering sections accordingly;

On page 66, in line 1, by striking "39-7,160, 39-"; in line 2, by striking "7,161, 39-7,162,"; also in line 2, by striking "46-3501,";

On page 1, in the title, in line 4, by striking "39-7,162,"; in line 10, by striking "39-7,160, 39-7,161,"; in line 11, by striking "46-3501,"; and the bill be passed as amended.

CONFERENCE COMMITTEE REPORT

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub for HB 2199**.

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **S Sub for HB 2199** 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 6 through 36;

By striking all on pages 2 and 3 and inserting:

"New Section 1. (a) Notwithstanding the provisions of either the Kansas administrative procedure act, and amendments thereto, or any rule and regulation adopted pursuant to the Kansas liquor control act, and amendments thereto, governing the issuance of any written administrative notice or order concerning the imposition of any proposed civil fine or other penalty to be imposed for a violation of any of the provisions of the Kansas liquor control act, K.S.A. 41-101 et seq., and amendments thereto, such notice or order shall be issued no later than 90 days after the date a citation for such violation was issued.

(b) This section shall be part of and supplemental to the provisions of the Kansas liquor control act, K.S.A. 41-101 et seq., and amendments thereto.

New Sec. 2. (a) Notwithstanding the provisions of either the Kansas administrative procedure act, and amendments thereto, or any rule and regulation adopted pursuant to the club and drinking establishment act, and amendments thereto, governing the issuance of any written administrative notice or order concerning the imposition of any proposed civil fine or other penalty to be imposed for a violation of any of the

provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, such notice or order shall be issued no later than 90 days after the date a citation for such violation was issued.

(b) This section shall be part of and supplemental to the provisions of the Kansas club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto.

Sec. 3. K.S.A. 2012 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; ~~or~~

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary; ~~;~~

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the

unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.

Sec. 4. K.S.A. 2012 Supp. 41-308d is hereby amended to read as follows: 41-308d.

(a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

(3) No charge of any sort may be made for a sample serving.

(4) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

(5) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(e) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 2012 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the

manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 41-713 is hereby amended to read as follows: 41-713. (a) It shall be unlawful for a retailer of alcoholic liquor:

(1) To permit any person to mix drinks in or on the licensed premises, except as provided in subsection (b);

(2) to employ any person under the age of ~~twenty-one (21)~~ 21 years in connection with the operation of such retail establishment; or

(3) to employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.

(b) The provisions of subsection (a)(1) shall not apply to the preparation or mixing of samples for the purposes of conducting wine, beer, or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 2012 Supp. 41-308d, and amendments thereto.

Sec. 7. K.S.A. 2012 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the

exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. Drinking establishment includes a railway car.

(i) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) "Food service establishment" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(k) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

(1) Not less than 4,000 permanent seats; and

(2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) "Sample" means a serving of alcoholic liquor which contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than one-half ounce of distilled spirits.

~~(v)~~ (v) "Secretary" means the secretary of revenue.

~~(w)~~ (w) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto.

Sec. 8. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.

(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.

~~(c) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging. Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. 2012 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.~~

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

(f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or

permit holder, or an employee who is 21 years of age or over.

(g) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.

Sec. 9. K.S.A. 2012 Supp. 41-2637 is hereby amended to read as follows: 41-2637.

(a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge for consumption by members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 10. K.S.A. 2012 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes; or

(5) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (4).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (5).

(c) A public venue club, drinking establishment, caterer or holder of a temporary permit may:

(1) Offer free food or entertainment at any time;

(2) sell or deliver wine by the bottle or carafe;

(3) sell, offer to sell and serve individual drinks at different prices throughout any day; ~~or~~

(4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;

(5) offer samples of alcohol liquor free of charge as authorized by this act; or

(6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) Any licensee located in a lottery gaming facility may offer customer self-service of wine from automated devices on the licensee's premises so long as the licensee monitors and has the ability to control the consumption of such wine from such automated devices and such consumption is monitored by video surveillance under the real-time review of the licensee's management and the Kansas racing and gaming commission.

(e) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(f) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

~~(d)(g)~~ Violation of any provision of this section is a misdemeanor punishable as

provided by K.S.A. 41-2633, and amendments thereto.

~~(e)(h)~~ Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

~~(f) Every licensed club and drinking establishment shall make available at any time upon request a price list showing the club's or drinking establishment's current prices per individual drink for all individual drinks.~~

Sec. 11. K.S.A. 2012 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection

(b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

(1) Be screened by the club for good moral character;

(2) pay an annual membership fee of not less than \$10; and

(3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a

municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection

(d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 12. K.S.A. 2012 Supp. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986, or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments

thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

~~(e)~~ (d) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

~~(e)~~ (e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

~~(e)~~ (f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 13. K.S.A. 2012 Supp. 41-2655 is hereby amended to read as follows: 41-2655. (a) A license for a public venue shall allow the licensee to:

(1) Offer for sale, sell and serve alcoholic liquor by the individual drink for consumption on the licensed premises;

(2) offer for sale, sell and serve unlimited drinks for a fixed price in designated areas of the licensed premises;

(3) offer for sale and sell all inclusive packages which include unlimited drinks in designated areas of the licensed premises;

(4) offer for sale, sell and serve alcoholic liquor in the original container for

consumption on the licensed premises in private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier;

(5) store, in each private suite, which ~~are~~ is enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier, alcoholic liquor sold in the original container to a customer in that private suite; and

(6) with the approval of the retailer or distributor, return for a full refund of the original purchase price unopened containers of alcoholic liquor to the retailer or distributor from whom such items were purchased upon the conclusion of an event if the next scheduled event for that premises is more than 90 days from the date of the concluded event.

(b) An applicant or public venue licensee shall specify in the application for a license, or renewal of a license, the premises to be licensed. No public venue licensee may offer for sale, sell or serve any alcoholic liquor in any area not included in the licensed premises.

(c) The term "designated areas" for purposes of this section shall mean an area identified in the license application, which may include suites, that has controlled access and is separated from the general admission by a barrier.

(d) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(e) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(f) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 14. K.S.A. 2012 Supp. 79-41a02 is hereby amended to read as follows: 79-41a02. (a) There is hereby imposed, for the privilege of selling alcoholic liquor, a tax at the rate of 10% upon the gross receipts derived from the sale of alcoholic liquor by any club, caterer, drinking establishment, public venue or temporary permit holder, and upon the acquisition costs of any alcoholic liquor served as samples by clubs and drinking establishments.

(b) The tax imposed by this section shall be paid by the consumer to the club, caterer, drinking establishment, public venue or temporary permit holder and it shall be the duty of each and every club, caterer, drinking establishment, public venue or temporary permit holder subject to this section to collect from the consumer the full amount of such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each club, caterer, drinking establishment, public venue or temporary permit holder collecting the tax imposed hereunder shall be responsible for paying over the same to the state department of revenue in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the collection of such tax.

(c) Any club or drinking establishment that serves free samples of alcoholic liquor shall remit the tax imposed by subsection (a) in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the payment of such tax.

New Sec. 15. (a) Alcoholic liquor and cereal malt beverage for the sampling as provided for in K.S.A. 41-2637, 41-2640, 41-2641 and 41-2642, and amendments thereto, shall be withdrawn from the inventory of the licensee. Except as provided by subsection (b), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(b) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a licensee's premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch or pour alcoholic beverages, make a presentation or answer questions at the tasting. Any alcoholic beverage or cereal malt beverages sampled under this subsection must be purchased from the licensee on whose premises the sampling is held. The licensee may not require the purchase of more alcoholic beverages or cereal malt beverages than is necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage or cereal malt beverage from the holder of a distributor's license or provide an alcoholic beverage or cereal malt beverage for sampling on the licensee's premises that is not purchased from the licensee.

New Sec. 16. Each licensee licensed under this act who provides samples shall pay the drink tax imposed by K.S.A. 79-41a01 et seq., and amendments thereto, on the alcoholic liquor and cereal malt beverage inventory when the inventory is withdrawn from the licensee's stock based on the licensee's acquisition cost.

Sec. 17. K.S.A. 41-713 and 41-2610 and K.S.A. 2012 Supp. 41-104, 41-308d, 41-354, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, by striking all in lines 1 through 3 and inserting "AN ACT concerning alcoholic beverages; amending K.S.A. 41-713 and 41-2610 and K.S.A. 2012 Supp. 41-104, 41-308d, 41-354, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

RALPH OSTMEYER
 JAY SCOTT EMLER
 OLETHA FAUST-GOUDEAU
Conferees on part of Senate

ARLEN H. SIEGFREID
 STEVEN R. BRUNK
 LOUIS E. RUIZ
Conferees on part of the House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **S Sub for HB 2199**.

Senator Masterson made a substitute motion to not adopt the conference committee report and send **S Sub for HB 2199** back to Conference Committee. The motion prevailed.

Under the authority of the President, Vice President King appointed Senators Ostmeyer, Emler and Faust-Goudeau as third conferees on the part of the Senate on **S Sub HB 2199**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2081**.

The House announced the appointment of Reps. Kinzer, Bruchman and Pauls as conferees on **HB 2162**.

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, May 13, 2013.

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 13, 2013, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-seven senators present.
Senators Masterson, McGinn and Ostmeyer were excused.
Invocation by Father Don Davidson:

Heavenly Father, our times are in your hands. The days of this session are coming to a close shortly and everyone is moving quickly to get work finished before it does. Help us in the tension of deadlines and constraints to still think carefully and cautiously for the welfare and benefit of all the people. Remind our legislators of the enormous responsibility that rests with them from those they represent. Dear Lord, be with them and grant them wisdom in the days ahead. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2015**.

The House accedes to the request of the Senate for a conference on **S Sub for HB 2199** and has appointed Representatives Siegfried, Brunk and Ruiz as conferees on the part of the House.

The House adopts the Conference Committee report on **HB 2204**.

ENROLLED BILLS

SR 1755, SR 1756, SR 1757, SR 1758, SR 1759, SR 1760, SR 1761, SR 1762 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 13, 2013.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

On motion of Senator Lynn, the Senate adjourned until 2:30 p.m., Tuesday, May 14, 2013.

Journal of the Senate

FIFTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 14, 2013, 2:30 p.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

Ms. Kourtney Pyle, daughter of Senator Pyle, sang "The Lord's Prayer" for the invocation.

The Pledge of Allegiance was led by President Susan Wagle, followed by the singing of "The Star Spangled Banner" by Ms. Pyle.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 245**, **SB 246**; **HB 2216**.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended **SB 246** be passed.

HB 2216 be amended by the adoption of the committee amendments, and be further amended by motion of Senator Masterson: on page 8, in line 17, by striking "pension" and inserting "pensions";

On page 56, by striking all in lines 9 through 43;

By striking all on pages 57 through 61;

On page 62, by striking all in lines 1 and 2;

And by renumbering sections accordingly;

On page 66, in line 11, by striking the comma and inserting "and"; also in line 11, by striking "and 75-7435";

On page 1, in the title, in line 8, by striking the last comma and inserting "and"; also in line 8, by striking "and"; in line 9, by striking "75-7435"

The amendment was adopted.

HB 2216 be further amended by motion of Senator Abrams: on page 66, following line 3, by inserting:

"Sec. 37. K.S.A. 71-211 is hereby amended to read as follows: 71-211. The director of accounts and reports, with the advice of the state board of regents ~~and the legislative~~

~~educational planning committee, the senate committee on education and the house of representatives committee on education,~~ shall prescribe a standardized and uniform chart of accounts for use by all community colleges. Such chart of accounts shall be compatible with the revenues and expenditures classification system developed by the national association of college and university business officers. The chart of accounts shall be adaptable to manual or automated systems, and use of such chart of accounts is hereby required for all community colleges.

Sec. 38. K.S.A. 2012 Supp. 72-9924 is hereby amended to read as follows: 72-9924. On or before September 1, 2006, the state board of education shall report its progress on the implementation of the Kansas skills for success in school program to the legislative educational planning committee. ~~The state board shall submit other reports as requested by the chairperson of the legislative educational planning committee.~~ On or before ~~September 1, 2007~~ the first day of the legislative session in 2014, and each year thereafter, the state board shall make an annual report on the program to the ~~legislative educational planning committee~~ senate committee on education and the house of representatives committee on education. Annual reports shall include data relating to and supporting evaluations of goals, objectives and outcomes established by the state board. ~~On or before the first day of the legislative session in 2007, and each year thereafter, the legislative educational planning committee shall prepare and submit to the legislature a report on the program and any recommendations relating thereto.~~

Sec. 39. K.S.A. 2012 Supp. 79-32,215 is hereby amended to read as follows: 79-32,215. (a) For taxable years 2005, 2006 and 2007, any business firm which has entered into a partnership agreement pursuant to subsection (f) shall be allowed a credit against the income tax imposed by the Kansas income tax act as follows:

(1) An amount equal to 25% of the amount paid during the taxable year by such business firm to teachers as salary pursuant to the partnership agreement; or

(2) an amount equal to 30% of the amount paid during the taxable year by such business firm to teachers as salary pursuant to the partnership agreement if the teacher is teaching in a school district located in a rural community, underserved area, or underperforming urban area.

(b) In no event shall the total amount of credits allowed under this section exceed \$500,000 for any one fiscal year, and of that amount, except as otherwise provided, no more than \$125,000 of credits shall be allowed for business firms located in any one congressional district per fiscal year. The secretary of revenue shall establish by the adoption of rules and regulations a procedure to allow reallocation of unused tax credits by one congressional district to a congressional district which has or will use all of its allocated tax credits in that fiscal year and has additional tax credit allowance requests pending. The secretary of revenue shall approve all such credits in advance on a first-come, first-serve basis pursuant to subsection (d). No credit shall be allowed pursuant to this section to a business firm that enters into a partnership agreement with a school district in which the teacher employed by the business firm is a household or family member of any owner, director, officer or employee of such business firm.

(c) The credit allowed by this section shall not exceed the amount of tax imposed under the Kansas income tax act reduced by the sum of any other credits allowable pursuant to law. Such credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. The taxpayer

shall not be allowed to carry over any amount of such credit exceeding the taxpayer's income tax liability. No credit shall be allowed pursuant to this section to a business firm that enters into a partnership agreement with a school district in which the teacher employed by the business firm is a household or family member of any owner, director, officer or employee of such business firm.

(d) Prior to a business firm claiming this tax credit, the secretary of revenue shall require each business firm to submit for approval the following information on forms as prescribed by the secretary: (1) Each partnership agreement; (2) the salary amount paid to each teacher during the taxable year by such business firm pursuant to such partnership agreement and for which the tax credit is sought; and (3) such further information as the secretary may require to administer this provision.

(e) As used in this section:

(1) "Business firm" means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act and any individual subject to the state income tax imposed by the provisions of the Kansas income tax act.

(2) "Underserved area" shall have the meaning ascribed thereto by K.S.A. 74-32,101, and amendments thereto.

(3) "Teacher" means a person who holds a certificate to teach in Kansas with an endorsement in the areas of mathematics, science, physics, chemistry or biology and has entered into a partnership agreement.

(4) "Partnership agreement" means an agreement entered into pursuant to subsection (f). Such agreement shall contain a description of the duties of the position the teacher shall be performing, sufficient to establish that such position satisfies the criteria set forth in subsection (f).

(5) "Rural community" shall have the meaning ascribed thereto by K.S.A. 79-32,195, and amendments thereto.

(6) "Underperforming urban area" means an area of the state in which low academic performance by pupils in school districts in such area as determined and specified by the state board of education.

(f) The board of education of any school district, teacher and business firm may enter a partnership agreement under which such business firm agrees to employ such teacher in a position that requires mathematics or science skills commensurate with the classes that the teacher regularly teaches during the times in which school is not regularly in session. If a teacher entering into a partnership agreement voluntarily leaves the employ of the school district to be employed by the business firm during the term of the agreement or within one year after the agreement is completed or terminated, the business firm shall repay to the state all credits claimed pursuant to this section. Such payment shall be due as part of the tax liability of the business entity for the tax year in which the teacher is no longer employed by the school district.

~~(g) The secretary of revenue shall submit an annual report to the chairperson of the legislative educational planning committee regarding utilization of the credits claimed pursuant to this act, for purposes of evaluation of the program by such committee. Such report shall be due on or before the first day of the legislative session, commencing with the 2007 legislative session and ending with the 2009 legislative session."~~

And by renumbering sections accordingly;

Also on page 66, in line 4, following "46-912," by inserting "46-1208b, 46-1208c,";

in line 5, following "46-2201," by inserting "71-211, "; also in line 5, after "71-212" by inserting ", 74-3202e"; in line 6, following "45-229," by inserting "46-1208a, 46-1208e, "; in line 7, following "72-5395," by inserting "72-9924, "; in line 11, by striking "and" and inserting a comma; also in line 11, after "75-7435" by inserting ", 76-3402 and 79-32,215";

On page 1, in the title, in line 3, following "46-912," by inserting "71-211, "; in line 5, following "72-5395," by inserting "72-9924, "; in line 8, by striking "and" and inserting a comma; in line 9, following "75-7435" by inserting "and 79-32,215"; also in line 9, following "K.S.A." by inserting "46-1208b, 46-1208c, "; in line 10, by striking the first "and" and inserting a comma; also in line 10, after "46-2201" by inserting "and 74-3202e"; also in line 10, before "46-1801" by inserting "46-1208a, 46-1208e, "; in line 11, by striking "and" inserting a comma; also in line 11, after "75-7425" by inserting "and 76-3402"

The amendment was adopted.

HB 2216 be further amended by motion of Senator Kelly: on page 7, by striking all in lines 33 through 43;

By striking all on pages 8 through 32;

On page 33, by striking all in lines 1 through 16;

And by renumbering sections accordingly;

On page 66, in line 4, by striking the last comma and inserting "and"; in line 5, by striking ", 46-2201, 71-212 and 74-4907"; in line 7, by striking all after "65-1,251, "; in line 8, by striking "4937, 74-49,129, ";

On page 1, in the title, in line 3, by striking the third comma and inserting "and"; also in line 3, by striking ", 71-212"; in line 4, by striking "and 74-4907"; in line 5, by striking all after "1,251, "; in line 6, by striking "4937, 74-49,129, "; in line 10, by striking "and 46-2201"

The amendment was adopted, and **HB 2216** be passed as further amended.

SB 245 be amended by the adoption of the committee amendments, and be further amended by motion of Senator Masterson: on page 1, in line 33, by striking "May 8" and inserting "July 1";

On page 2, in line 13, after "bonds," by inserting "except for any bonds that the state finance council has already approved prior to July 1, 2013,"

The amendment was adopted, and **SB 245** be passed as further amended.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2115**.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Wednesday, May 15, 2013.

Journal of the Senate

SIXTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 15, 2013, 10:30 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

Gracious God, we give you thanks today for the people who are truly interested in their government. We may not agree with which side of what line they stand, we may or may not appreciate what they have to say, but Lord help us to see in them the glory of your creation; a creation which includes minds that think and voices that speak, eyes that see and hearts that love. If we do not understand their positions, may we respect their willingness to participate in the wonder of democracy at every level. The greatness of our nation is often best represented in the way in which we respect those with whom we disagree. In your great name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2115**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 245, AN ACT concerning financing for capital improvements; relating to the national bio and agro defense facility; amending K.S.A. 2012 Supp. 74-8963 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Apple, Arpke, Bowers, Bruce, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, V. Schmidt, Wagle, Wolf.

Nays: Abrams, Denning, Fitzgerald, Melcher, Pilcher-Cook, Pyle, Smith, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: There have been questions regarding further funding of the NBAF facility which are justified; however, I believe not insurmountable. Kansas has taken great strides to grow the Bio Science industry and we are seeing results of those

investments in job creation and innovation. NBAF holds great promise for the businesses and research communities as well as academic progress for Kansas State University and its students. For these reasons, I vote Aye on **SB 245**. — JULIA LYNN

Mr. Vice President: Further indebtedness for economic development projects that depend on future federal employees and federal dollars as Washington spends out of control on its way to an inevitable halt, does not represent the same level of good stewardship as similar projects that depend on the private sector. This is not the best direction for Kansas. I vote no on **SB 245**. — DENNIS PYLE

Senators Abrams and Smith request the record to show that they concur with the "Explanation of Vote" offered by Senator Pyle on **SB 245**.

Mr. Vice President: Some votes are easy, many are not. The vote to triple the funding of the national bio and agro defense facility to \$307 billion without any financial analysis is very difficult. While I don't dispute the tremendous value of this federally owned facility to all US citizens, it seems unfair for Kansas taxpayers who represent <1% of the US population to bare 30% of the cost. Since we have not been presented with any ROI testimony, this may be a great deal or it may be financially irresponsible, we have no way to know. The fact that the job creation component amounts to nearly \$1,000,000 per job just adds additional concern. I would never invest my own money with such limited information and must treat taxpayer money with the same scrutiny.— JEFF MELCHER

Senators Abrams, Fitzgerald and Pilcher-Cook request that the record show that they concur with the "Explanation of Vote" offered by Senator Melcher on **SB 245**.

SB 246, AN ACT reconciling amendments to certain statutes; amending K.S.A. 2012 Supp. 8-1,161, 12-4106, as amended by section 1 of 2013 House Bill No. 2041, 21-5109, 21-5302, as amended by section 6 of 2013 Senate Bill No. 16, 21-5808, 21-5904, 21-5924, 21-6302, as amended by section 4 of 2013 Senate Substitute for House Bill No. 2052, 21-6614, as amended by section 19 of 2013 Senate Substitute for House Bill No. 2034, 22-2802, 22-2908, 22-3212, 22-3717, as amended by section 27 of 2013 Senate Substitute for House Bill No. 2034, 32-1438, 39-709, as amended by section 1 of 2013 Senate Bill No. 149, 44-706, as amended by section 5 of 2013 Substitute for House Bill No. 2105, 44-709, as amended by section 3 of 2013 Senate Bill No. 187, 45-221, as amended by section 2 of 2013 Senate Bill No. 81, 45-229, as amended by section 1 of 2013 House Bill No. 2012, 47-422, 47-1804, 60-3107, 60-4104, as amended by section 41 of 2013 Senate Substitute for House Bill No. 2034, 65-4101, 72-978, 74-7901, 75-7c05, as amended by section 7 of 2013 Senate Substitute for House Bill No. 2052, 75-3740, 75-37,121, 75-4362, as amended by section 5 of 2013 Senate Bill No. 149, 75-5133, 75-6102, 75-6609, 79-3234, 79-32,117, as amended by section 3 of 2013 House Substitute for Senate Bill No. 83 and 79-32,160a and repealing the existing sections; also repealing K.S.A. 2012 Supp. 2-1930a, 2-1931a, 8-1,161a, 12-4106, as amended by section 8 of 2013 Senate Substitute for House Bill No. 2034, 21-5109a, 21-5302, as amended by section 12 of 2013 Senate Substitute for House Bill No. 2034, 21-5808a, 21-5904a, 21-5924a, 21-6302, as amended by section 3 of 2013 House Bill No. 2033, 21-6614, as amended by section 3 of 2013 Senate Bill No. 21, 22-2802c, 22-2908a, 22-3212b, 22-3717, as amended by section 6 of 2013 House Bill No. 2170, 32-1438a, 39-709, as amended by section 23 of 2013 Substitute for House Bill No. 2183, 39-923a, 44-706, as amended by section 4 of 2013 Senate Bill No. 149, 44-709,

as amended by section 6 of 2013 Substitute for House Bill No. 2105, 45-221, as amended by section 6 of 2013 Senate Substitute for House Bill No. 2052, 45-221, as amended by section 1 of 2013 House Bill No. 2128, 45-229, as amended by section 1 of 2013 House Bill No. 2144, 47-422a, 47-1001g, 47-1008a, 47-1302a, 47-1701a, 47-1709a, 47-1725a, 47-1804a, 47-1809a, 60-3107a, 60-4104, as amended by section 8 of 2013 Senate Bill No. 16, 65-1685a, 65-4101b, 72-978a, 74-7901a, 75-7c05, as amended by section 6 of 2013 Senate Bill No. 21, 75-3740d, 75-37,121a, 75-4362, as amended by section 2 of 2013 House Bill No. 2302, 75-5133b, 75-6102c, 75-6609a, 79-3234c, 79-32,117, as amended by section 17 of 2013 House Bill No. 2253, 79-32,160f, 82a-220a and 82a-903a, was considered on final action.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed.

HB 2216, AN ACT concerning joint committees; repealing certain joint committees; relating to membership on the joint committee on special claims against the state; amending K.S.A. 12-2015, 19-4109, 38-2007, 46-912, 71-211, 71-212 and 74-4907 and K.S.A. 2012 Supp. 45-229, 65-1,251, 72-5395, 72-9924, 74-4908, 74-4909, 74-4920, 74-4921, 74-4921c, 74-4937, 74-49,129, 74-5001a, 74-5002s, 74-5049, 74-5097, 74-50,123, 74-50,151, 74-50,216, 74-8004, 74-8135, 74-8136, 74-8204, 74-8310, 74-8317, 74-8405, 74-99c07, 75-2264, 75-2268, 75-7423, 75-7427, 75-7435 and 79-32,215 and repealing the existing sections; also repealing K.S.A. 46-1208b, 46-1208c, 46-1604, 46-2201 and 74-3202e and K.S.A. 2012 Supp. 46-1208a, 46-1208e, 46-1801, 46-3001, 46-3701, 74-49,132, 74-49,133, 75-7425 and 76-3402, was considered on final action.

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Holland, McGinn, Ostmeyer, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: While I agree that it is good to periodically reevaluate the legislative committee structure, especially during manufactured budget crises like the one we are currently facing, I vote no on **HB 2216** because I believe that it eliminates two crucial committees that are key to our economic success in Kansas. One committee is the Joint Committee on Energy and Environment. Our state is on the verge of becoming a major producer of energy through the combination of higher global energy prices and technological advancements in the process commonly known as fracking. As this technology continues to open up new geologic spaces for development, the state of Kansas needs to ensure that we are good stewards of the land. Our state is also coming

out of a major drought, and it may take years for our aquifers to return to pre-drought levels. It is critically important for the legislature to monitor this situation and recommend solutions that involve the cooperation of all interested parties. Joint Committees provide a unique opportunity to solicit input from a diverse group of House and Senate members representing the entire state, and water is perhaps the most critical natural resource to the future of Kansas's economy.—CAROLYN MCGINN

Mr. Vice President: I vote NO on **HB 2216**. I believe that the legislature should continually review the need for standing and joint committees, but in this case there were no proponents testifying in the Senate committee for the bill and no case for elimination was made. Joint committee meetings have the advantage of more time to vet issues along with giving legislators the opportunity to work with colleagues from the other House. I am pleased that the amendment was adopted to retain the joint committee on pensions, investments and benefits so that the Senate can continue to participate in those discussions. However the arts and culture committee should be retained to show support for the arts and cultural resources in the state and provide oversight for the creative arts industries commission and the committee on energy and environmental policy should address many state water and energy issues, especially in this time of drought and aging reservoirs. The amendment to repeal references to the legislative educational planning committee will limit the opportunities to discuss education, an important concern of the state. I hope that we find other ways to continue to work together on these issues.—MARCI FRANCISCO

Senators Faust-Goudeau and Hawk request the record to show that they concur with the "Explanation of Vote" offered by Senator Francisco on **HB 2216**.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met, pursuant to recess, with Senator King in the Chair.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub for HB 2199** and **HB 2249**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2249** 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 6, by inserting:

New Section 1. (a) Except as provided by subsection (b), no city or county shall adopt by ordinance, resolution or in a solid waste management plan under K.S.A. 65-3405 or 65-3410, and amendments thereto, restrictions for any solid waste disposal area within its boundaries if such restrictions supersede or impair the local legislation of another city or county being serviced by the same solid waste disposal area or require

another city or county to adopt new solid waste management requirements not currently required by statewide rules and regulations.

(b) A city or county may adopt restrictions for a solid waste disposal area under subsection (a) if:

- (1) The city or county owns the solid waste disposal area; or
- (2) such restrictions apply to the residents of such city or county but not to residents of another city or county being serviced by the same solid waste disposal area.

(c) This section shall be part of and supplemental to the provisions of article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) On or before January 1, 2014, the secretary of health and environment shall prepare, with review and input from operators of municipal solid waste landfills, haulers of solid waste, business and residential consumers of haulers of solid waste, cities and counties, a report on solid waste management in Kansas for the senate committee on ethics, elections and local government and the house committee on local government. The report shall include, but not be limited to, the following:

(1) A review of statutes, rules and regulations and policies on solid waste management, including, but not limited to, details on yard waste, recycling, generation rates, composting, precipitation, source reduction efforts, population, landfill capacity and gas recovery in landfills; and

(2) recommendations for legislative changes and estimates of the cost of the state of implementing such changes.

(b) This section shall be part of and supplemental to the provisions of article 34 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.";

On page 2, before line 43, by inserting:

Sec. 4. K.S.A. 2012 Supp. 75-2724 is hereby amended to read as follows: 75-2724.

(a) The state or any political subdivision of the state, or any instrumentality thereof, shall not undertake any project which will ~~encroach upon, damage or destroy~~ any historic property included in the national register of historic places or the state register of historic places ~~or the environs of such property~~ until the state historic preservation officer has been given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project. Notice to the state historic preservation officer shall be given by the state or any political subdivision of the state when the proposed project, or any portion thereof, ~~is located within 500 feet of the boundaries of~~ directly involves a historic property ~~located within the corporate limits of a city, or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county.~~ Notwithstanding the notice herein required, nothing in this section shall be interpreted as limiting the authority of the state historic preservation officer to investigate, comment and make the determinations otherwise permitted by this section ~~regardless of the proximity of any proposed project to the boundaries of~~ on a project directly involving a-an historic property. The state historic preservation officer may solicit the advice and recommendations of the historic sites board of review with respect to such project and may direct that a public hearing or hearings be held thereon. Any ~~such~~ public hearing or hearings held pursuant to this subsection or held pursuant to authority delegated by the state historical preservation officer under subsection (e) or (f) shall be held within 60 days from the date of receipt of notice by the state historical preservation officer from the state or any political subdivision of the state as provided herein. If the state historic preservation officer determines, with or without having been

given notice of the proposed project, that ~~such the~~ proposed project will ~~encroach upon~~, damage or destroy any historic property included in the national register of historic places or the state register of historic places ~~or the environs of such property~~, ~~such the~~ project shall not proceed until:

(1) The governor, in the case of a project of the state or an instrumentality thereof, or the governing body of the political subdivision, in the case of a project of a political subdivision or an instrumentality thereof, has made a determination, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use; and

(2) five days notice of such determination has been given, by certified mail, to the state historic preservation officer.

(b) Any person aggrieved by the determination of the governor pursuant to this section may seek review of such determination in accordance with the Kansas judicial review act. Any person aggrieved by the determination of a governing body pursuant to this section may seek review of such determination in accordance with K.S.A. 60-2101, and amendments thereto.

(c) The failure of the state historic preservation officer to initiate an investigation of any proposed project within 30 days from the date of receipt of notice thereof shall constitute such officer's approval of such project.

(d) Failure of any person or entity to apply for and obtain the proper or required building or demolition permit before undertaking a project that will ~~encroach upon~~, damage or destroy any historic property included in the national register of historic places or the state register of historic places, ~~or the environs of such property~~, shall be subject to a civil penalty not to exceed \$25,000 for each violation. The attorney general may seek such penalties and other relief through actions filed in district court.

(e) (1) The state historic preservation officer may enter into an agreement authorizing a city or county to make recommendations or to perform any or all responsibilities of the state historic preservation officer under subsections (a), (b) and (c) if the state historic preservation officer determines that the city or county has enacted a comprehensive local historic preservation ordinance, established a local historic preservation board or commission and is actively engaged in a local historic preservation program. The agreement shall specify the authority delegated to the city or county by the state historic preservation officer, the manner in which the city or county shall report its decisions to the state historic preservation officer, the conditions under which the city or county can request assistance from the state historic preservation officer in performing certain project reviews, the length of time the agreement is to be valid and provisions for termination of the agreement. Such agreement shall provide that the state historic preservation officer shall retain final authority to implement the provisions of this act. The state historic preservation officer shall adopt any rules and regulations necessary to implement the provisions of this subsection.

(2) An agreement with a city or county authorized by this subsection shall not be construed as limiting the authority of the state historic preservation officer to investigate, comment and make determinations otherwise permitted by this section.

(f) The state historic preservation officer may enter into agreements with the state board of regents or any state educational institution under the control and supervision of the state board of regents to perform any or all responsibilities of the state historic

preservation officer under subsections (a), (b) and (c).";

And by renumbering sections accordingly;

On page 3, in line 1, by striking "is" and inserting "and 75-2724 are";

On page 1, in the title, by striking all following "concerning"; in line 2, by striking all before the semicolon and inserting "certain property issues; relating to historic preservation, taxation and solid waste"; in line 3, following "12-546" by inserting "and 75-2724"; in line 4, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

DENNIS PYLE

MITCH HOLMES

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

STEVE HUEBERT

TOM PHILLIPS

JOHN ALCALA

Conferees on part of House

Senator Smith moved the Senate not adopt the Conference Committee report, send **HB 2249** back to conference and appoint a new conference committee.

Senator Pyle offered a substitute motion that the Senate adopt the Conference Committee Report on **HB 2249**.

On roll call, the vote was: Yeas 29; Nays 10; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, Haley, Hensley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Donovan, Emler, Francisco, Hawk, Holland, Kelly, McGinn, V. Schmidt, Wolf.

Absent or Not Voting: Faust-Goudeau.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice President: My intent today was to send the conference committee report back to conference committee to remove **HB 2118** from the report. That bill barely passed the senate committee and was never heard in the Senate Committee of the Whole. The debate that took place today over that portion of the CCR shows this issue was not examined closely enough. The underlying bills **HB 2249** and **HB 2074** directly impact the county I represent and I cannot vote against them. For that reason I vote Aye on **HB 2249**.— GREG SMITH

Mr. Vice President: I vote NO on the conference committee report on **HB 2249**. I supported the motion to send the report back to committee, and was hoping that a new conference committee would remove **HB 2118** from the report. That bill was narrowly advanced to the full Senate, but had been held below the line; many of us were hoping that a compromise could have been worked out between the Kansas Historical Society and other interested parties over the summer. Much of the environs review process has been working well to maintain a context for many of the state's historical resources and encourage investment in preservation.—MARCI FRANCISCO

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2199** 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 6 through 36;

By striking all on pages 2 and 3 and inserting:

"New Section 1. (a) Notwithstanding the provisions of either the Kansas administrative procedure act, and amendments thereto, or any rule and regulation adopted pursuant to the Kansas liquor control act, and amendments thereto, governing the issuance of any written administrative notice or order concerning the imposition of any proposed civil fine or other penalty to be imposed for a violation of any of the provisions of the Kansas liquor control act, K.S.A. 41-101 et seq., and amendments thereto, such notice or order shall be issued no later than 90 days after the date a citation for such violation was issued.

(b) This section shall be part of and supplemental to the provisions of the Kansas liquor control act, K.S.A. 41-101 et seq., and amendments thereto.

New Sec. 2. (a) Notwithstanding the provisions of either the Kansas administrative procedure act, and amendments thereto, or any rule and regulation adopted pursuant to the club and drinking establishment act, and amendments thereto, governing the issuance of any written administrative notice or order concerning the imposition of any proposed civil fine or other penalty to be imposed for a violation of any of the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, such notice or order shall be issued no later than 90 days after the date a citation for such violation was issued.

(b) This section shall be part of and supplemental to the provisions of the Kansas club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto.

Sec. 3. K.S.A. 2012 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains,

or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; ~~or~~

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary; ~~;~~

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~;~~ or

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.

Sec. 4. K.S.A. 2012 Supp. 41-308d is hereby amended to read as follows: 41-308d. (a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

(3) No charge of any sort may be made for a sample serving.

(4) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

(5) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(e) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 2012 Supp. 41-354 is hereby amended to read as follows: 41-354.

(a) A microdistillery license shall allow:

(1) The manufacture of not more than 50,000 gallons of spirits per year and the storage thereof;

(2) the sale to spirit distributors of spirits, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of spirits manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of spirits manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of spirits and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of spirits and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microdistillery licensee, the director may issue not to exceed one microdistillery packaging and warehousing facility license to the microdistillery licensee. A microdistillery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microdistillery to the licensed premises of the microdistillery packaging and warehousing facility, of spirits manufactured by the licensee, for the purpose of packaging or storage, or both;

(2) the transfer, from the licensed premises of the microdistillery packaging and warehousing facility to the licensed premises of the microdistillery, of spirits manufactured by the licensee; or

(3) the removal from the licensed premises of the microdistillery packaging and warehousing facility of spirits manufactured by the licensee for the purpose of delivery to a licensed spirits wholesaler.

(c) A microdistillery may sell spirits in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microdistillery may serve samples of spirits and serve and sell spirits and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of distillers a permit to import into this state small quantities of spirits. Such spirits shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such spirits shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of spirit to be imported, the quantity to be imported, the tasting programs for which the spirit is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of spirits pursuant to this subsection and the conduct of tasting programs for which such spirits are imported.

(e) A microdistillery license or microdistillery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microdistillery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microdistillery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

(h) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(i) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(j) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 6. K.S.A. 41-713 is hereby amended to read as follows: 41-713. (a) It shall be unlawful for a retailer of alcoholic liquor:

(1) To permit any person to mix drinks in or on the licensed premises, except as provided in subsection (b);

(2) to employ any person under the age of ~~twenty-one (21)~~ 21 years in connection with the operation of such retail establishment; or

(3) to employ any person in connection with the operation of such retail establishment who has been adjudged guilty of a felony.

(b) The provisions of subsection (a)(1) shall not apply to the preparation or mixing of samples for the purposes of conducting wine, beer or distilled spirit tastings, or any combination thereof, as authorized by K.S.A. 2012 Supp. 41-308d, and amendments thereto.

Sec. 7. K.S.A. 2012 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102, and amendments thereto: (1) "Alcoholic liquor"; (2) "director"; (3) "original package"; (4) "person"; (5) "sale"; and (6) "to sell."

(b) "Beneficial interest" shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) "Caterer" means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

(d) "Cereal malt beverage" has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(e) "Class A club" means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) "Class B club" means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) "Club" means a class A or class B club.

(h) "Drinking establishment" means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. Drinking establishment includes a railway car.

(i) "Food" means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) "Food service establishment" has the meaning provided by K.S.A. 36-501, and

amendments thereto.

(k) "Hotel" has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) "Individual drink" means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term "individual drink" includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) "Minibar" means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) "Minor" means a person under 21 years of age.

(o) "Morals charge" means a charge involving prostitution; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) "Municipal corporation" means the governing body of any county or city.

(q) "Public venue" means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

(1) Not less than 4,000 permanent seats; and

(2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) "Railway car" means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) "Restaurant" means:

(1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

(2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

(3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) "RV resort" means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) "Sample" means a serving of alcoholic liquor which contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or

cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than one-half ounce of distilled spirits.

~~(t)~~ (v) "Secretary" means the secretary of revenue.

~~(u)~~ (w) "Temporary permit" means a temporary permit issued pursuant to K.S.A. 41-2645, and amendments thereto.

Sec. 8. K.S.A. 41-2610 is hereby amended to read as follows: 41-2610. It shall be unlawful for any licensee or holder of a temporary permit under this act to:

(a) Employ any person under the age of 18 years in connection with the serving of alcoholic liquor.

(b) Employ knowingly or continue in employment any person in connection with the dispensing or serving of alcoholic liquor or the mixing of drinks containing alcoholic liquor who has been adjudged guilty of a felony or of any crime involving a morals charge in this or any other state, or of the United States.

~~(c) Employ knowingly or to continue in employment any person in connection with the dispensing or serving of alcoholic liquor or mixing of drinks containing alcoholic liquor who has been adjudged guilty of a violation of any intoxicating liquor law of this or any other state, or of the United States, during the two-year period immediately following such adjudging. Knowingly employ or continue to employ any person in connection with the dispensing or serving of alcoholic liquor, or the mixing of drinks containing alcoholic liquor, who has been adjudged guilty of two or more violations of K.S.A. 2012 Supp. 21-5607, and amendments thereto, furnishing alcoholic liquor to minors or a similar law of any other state, or of the United States, pertaining to furnishing alcoholic liquor to minors within the immediately preceding five years, or who has been adjudged guilty of three or more violations of any intoxicating liquor law of this or any other state, or of the United States, not involving the furnishing of alcoholic liquor to minors within the immediately preceding five years.~~

(d) In the case of a club, fail to maintain at the licensed premises a current list of all members and their residence addresses or refuse to allow the director, any of the director's authorized agents or any law enforcement officer to inspect such list.

(e) Purchase alcoholic liquor from any person except from a person authorized by law to sell such alcoholic liquor to such licensee or permit holder.

(f) Permit any employee of the licensee or permit holder who is under the age of 21 years to work on premises where alcoholic liquor is sold by such licensee or permit holder at any time when not under the on-premises supervision of either the licensee or permit holder, or an employee who is 21 years of age or over.

(g) Employ any person under 21 years of age in connection with the mixing or dispensing of drinks containing alcoholic liquor.

Sec. 9. K.S.A. 2012 Supp. 41-2637 is hereby amended to read as follows: 41-2637.

(a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge for consumption by members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the

premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 10. K.S.A. 2012 Supp. 41-2640 is hereby amended to read as follows: 41-2640. (a) No club, drinking establishment, caterer or holder of a temporary permit, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person an individual drink at a price that is less than the acquisition cost of the individual drink to the licensee or permit holder;

(3) sell, offer to sell or serve to any person an unlimited number of individual drinks during any set period of time for a fixed price, except at private functions not open to the general public or to the general membership of a club;

(4) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of individual drinks as prizes; or

(5) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (a)(1) through (4).

(b) No public venue, nor any person acting as an employee or agent thereof, shall:

(1) Offer or serve any free cereal malt beverage or alcoholic liquor in any form to any person;

(2) offer or serve to any person a drink or original container of alcoholic liquor or cereal malt beverage at a price that is less than the acquisition cost of the drink or original container of alcoholic liquor or cereal malt beverage to the licensee;

(3) sell or serve alcoholic liquor in glass containers to customers in the general admission area;

(4) sell or serve more than two drinks per customer at any one time in the general admission area;

(5) encourage or permit, on the licensed premises, any game or contest which involves drinking alcoholic liquor or cereal malt beverage or the awarding of drinks as prizes; or

(6) advertise or promote in any way, whether on or off the licensed premises, any of the practices prohibited under subsections (b)(1) through (5).

(c) A public venue club, drinking establishment, caterer or holder of a temporary

permit may:

- (1) Offer free food or entertainment at any time;
- (2) sell or deliver wine by the bottle or carafe;
- (3) sell, offer to sell and serve individual drinks at different prices throughout any day; ~~or~~
- (4) sell or serve beer or cereal malt beverage in a pitcher capable of containing not more than 64 fluid ounces;
- (5) offer samples of alcoholic liquor free of charge as authorized by this act; or
- (6) sell or serve margarita, sangria, daiquiri, mojito or other mixed alcoholic beverages as approved by the director in a pitcher containing not more than 64 fluid ounces.

(d) A hotel of which the entire premises is licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, distribute to its guests coupons redeemable on the hotel premises for drinks containing alcoholic liquor. The hotel shall remit liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto, on each drink served based on a price which is not less than the acquisition cost of the drink.

(e) A hotel of which the entire premises is not licensed as a drinking establishment may, in accordance with rules and regulations adopted by the secretary, through an agreement with one or more clubs or drinking establishments, distribute to its guests coupons redeemable at such clubs or drinking establishments for drinks containing alcoholic liquor. Each club or drinking establishment redeeming coupons issued by a hotel shall collect from the hotel the agreed price, which shall be not less than the acquisition cost of the drink plus the liquor drink tax for each drink served. The club or drinking establishment shall collect and remit the liquor drink tax in accordance with the provisions of the liquor drink tax act, K.S.A. 79-41a01 et seq., and amendments thereto.

~~(d)~~(f) Violation of any provision of this section is a misdemeanor punishable as provided by K.S.A. 41-2633, and amendments thereto.

~~(e)~~(g) Violation of any provision of this section shall be grounds for suspension or revocation of the licensee's license as provided by K.S.A. 41-2609, and amendments thereto, and for imposition of a civil fine on the licensee or temporary permit holder as provided by K.S.A. 41-2633a, and amendments thereto.

~~(f) Every licensed club and drinking establishment shall make available at any time upon request a price list showing the club's or drinking establishment's current prices per individual drink for all individual drinks.~~

Sec. 11. K.S.A. 2012 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises.

participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

- (1) Be screened by the club for good moral character;
- (2) pay an annual membership fee of not less than \$10; and
- (3) wait for a period of 10 days after completion of the application form and payment of the membership fee.

(d) Notwithstanding the membership fee and waiting period requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the waiting period or fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall

not be subject to the waiting period or dues requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the waiting period or fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 12. K.S.A. 2012 Supp. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986; or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) No charge of any sort may be made for a sample serving. A person may be served no more than five samples per visit. Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(d) A drinking establishment shall specify in the application for a license or

renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

(e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 13. K.S.A. 2012 Supp. 41-2655 is hereby amended to read as follows: 41-2655. (a) A license for a public venue shall allow the licensee to:

(1) Offer for sale, sell and serve alcoholic liquor by the individual drink for consumption on the licensed premises;

(2) offer for sale, sell and serve unlimited drinks for a fixed price in designated areas of the licensed premises;

(3) offer for sale and sell all inclusive packages which include unlimited drinks in designated areas of the licensed premises;

(4) offer for sale, sell and serve alcoholic liquor in the original container for consumption on the licensed premises in private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier;

(5) store, in each private suite, which ~~are~~ is an enclosed or semi-enclosed seating ~~areas~~ area, having controlled access and separated from the general admission areas by a permanent barrier, alcoholic liquor sold in the original container to a customer in that private suite; and

(6) with the approval of the retailer or distributor, return for a full refund of the original purchase price unopened containers of alcoholic liquor to the retailer or distributor from whom such items were purchased upon the conclusion of an event if the next scheduled event for that premises is more than 90 days from the date of the concluded event.

(b) An applicant or public venue licensee shall specify in the application for a license, or renewal of a license, the premises to be licensed. No public venue licensee may offer for sale, sell or serve any alcoholic liquor in any area not included in the licensed premises.

(c) The term "designated areas" for purposes of this section shall mean an area identified in the license application, which may include suites, that has controlled access and is separated from the general admission by a barrier.

(d) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(e) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(f) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 14. K.S.A. 2012 Supp. 79-41a02 is hereby amended to read as follows: 79-41a02. (a) There is hereby imposed, for the privilege of selling alcoholic liquor, a tax at the rate of 10% upon the gross receipts derived from the sale of alcoholic liquor by any club, caterer, drinking establishment, public venue or temporary permit holder, and upon the acquisition costs of any alcoholic liquor served as samples by clubs and drinking establishments.

(b) The tax imposed by this section shall be paid by the consumer to the club, caterer, drinking establishment, public venue or temporary permit holder and it shall be the duty of each and every club, caterer, drinking establishment, public venue or temporary permit holder subject to this section to collect from the consumer the full amount of such tax, or an amount equal as nearly as possible or practicable to the average equivalent thereto. Each club, caterer, drinking establishment, public venue or temporary permit holder collecting the tax imposed hereunder shall be responsible for paying over the same to the state department of revenue in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the collection of such tax.

(c) Any club or drinking establishment that serves free samples of alcoholic liquor shall remit the tax imposed by subsection (a) in the manner prescribed by K.S.A. 79-41a03, and amendments thereto, and the state department of revenue shall administer and enforce the payment of such tax.

New Sec. 15. (a) Alcoholic liquor and cereal malt beverage for the sampling as provided for in K.S.A. 41-2637, 41-2640, 41-2641 and 41-2642, and amendments thereto, shall be withdrawn from the inventory of the licensee. Except as provided by subsection (b), a person other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(b) The holder of a supplier's permit or such permit holder's agent or employee may participate in and conduct product tastings of alcoholic beverages at a licensee's premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch or pour alcoholic beverages, make a presentation or answer questions at the tasting. Any alcoholic beverage or cereal malt beverages sampled under this subsection must be purchased from the licensee on whose premises the sampling is held. The licensee may not require the purchase of more alcoholic beverages or cereal malt beverages than is necessary for the tasting. This section does not authorize the supplier or its agent to withdraw or purchase an alcoholic beverage or cereal malt beverage from the holder of a distributor's license or provide an alcoholic beverage or cereal malt beverage for sampling on the licensee's premises that is not purchased from the licensee.

New Sec. 16. Each licensee licensed under this act who provides samples shall pay the drink tax imposed by K.S.A. 79-41a01 et seq., and amendments thereto, on the

alcoholic liquor and cereal malt beverage inventory when the inventory is withdrawn from the licensee's stock based on the licensee's acquisition cost.

Sec. 17. K.S.A. 41-713 and 41-2610 and K.S.A. 2012 Supp. 41-104, 41-308d, 41-354, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, by striking all in lines 1 through 3 and inserting "AN ACT concerning alcoholic beverages; amending K.S.A. 41-713 and 41-2610 and K.S.A. 2012 Supp. 41-104, 41-308d, 41-354, 41-2601, 41-2637, 41-2640, 41-2641, 41-2642, 41-2655 and 79-41a02 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

RALPH OSTMEYER

JAY SCOTT EMLER

OLETHA FAUST-GOUDEAU

Conferees on part of Senate

ARLEN SIEGFREID

STEVEN BRUNK

LOUIS RUIZ

Conferees on part of House

Senator Ostmeyer moved the Senate adopt the Conference Committee Report on **HB 2199**.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Faust-Goudeau.

The Conference Committee Report was adopted.

REPORT ON ENGROSSED BILLS

SB 245 reported correctly engrossed May 15, 2013.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Thursday, May 16, 2013.

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 16, 2013, 10:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-eight senators present.
Senators Faust-Goudeau and Hawk were excused.
Invocation by Father Don Davidson:

Heavenly Creator we pause in these hectic days to say thanks for our families, especially the immediate family of our legislators, staff and support teams. Truth is, it is not always easy to live with the struggles of life as a member and staff member of a decision making body. Often the highs and lows can be translated into over optimistic enthusiasm or just downright grumpiness in the home, on the cell or even worse e-mail. Help us all, Lord, to have patience and love for our families with the attitude and kindness they deserve. Soon the session will be over, and we will need them even more. Bless us and them dear Lord. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 247, AN ACT concerning the university of Kansas; relating to the medical student loan act; amending K.S.A. 2012 Supp. 76-381 and repealing the existing section, by Committee on Ways and Means.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met pursuant to recess, with President Wagle in the Chair.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 20**; **HB 2213**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 20** 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 36;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 22 and inserting:

"Section 1. K.S.A. 2012 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in the Kansas offender registration act, unless the context otherwise requires:

(a) "Offender" means:

(1) A sex offender;

(2) a violent offender;

(3) a drug offender;

(4) any person who has been required to register under out of state law or is otherwise required to be registered; and

(5) any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act.

(b) "Sex offender" includes any person who:

(1) On or after April 14, 1994, is convicted of any sexually violent crime;

(2) On or after ~~April 14, 1994~~ July 1, 2002, is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(3) has been determined to be a sexually violent predator;

(4) on or after ~~May 29~~ July 1, 1997, is convicted of any of the following crimes when one of the parties involved is less than 18 years of age:

(A) Adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2012 Supp. 21-5511, and amendments thereto;

(B) criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(C) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2012 Supp. 21-6420, and amendments thereto;

(D) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2012 Supp. 21-6421, and amendments thereto; or

(E) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2012 Supp. 21-5513, and amendments thereto;

(5) is convicted of sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(6) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of an offense defined in this subsection; or

(7) has been convicted of an offense that is comparable to any crime defined in this subsection, or any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection.

(c) "Sexually violent crime" means:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(6) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(8) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto;

(9) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(10) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. ~~21-5605~~ 21-5604, and amendments thereto;

(11) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, and K.S.A. 2012 Supp. 21-5509, and amendments thereto, ~~committed on or after April 17, 2008;~~

(12) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2012 Supp. 21-5512, and amendments thereto;

(13) any conviction or adjudication for an offense that is comparable to a sexually violent crime as defined in this subsection, or any out of state conviction or adjudication for an offense that under the laws of this state would be a sexually violent crime as defined in this subsection;

(14) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302, 21-5303, and amendments thereto, of a sexually violent crime, as defined in this subsection; or

(15) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim. As used in this paragraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto.

- (e) "Violent offender" includes any person who:
- (1) On or after ~~May 29~~ July 1, 1997, is convicted of any of the following crimes:
 - (A) Capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto;
 - (B) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;
 - (C) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;
 - (D) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;
 - (E) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or subsections (a)(1), (a)(2) or (a)(4) of K.S.A. 2012 Supp. 21-5405, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsection (a) (3) of K.S.A. 2012 Supp. 21-5405, and amendments thereto, which occurred on or after July 1, 2011, through July 1, 2013;
 - (F) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;
 - (G) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;
 - (H) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2012 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age; or
 - (I) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto;
 - (2) on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;
 - (3) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or
 - (4) is convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.
- (f) "Drug offender" means includes any person who has been convicted of , on or after July 1, 2007:
- (1) Is convicted of any of the following crimes:
 - ~~(A)~~ (A) Unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2012 Supp. 21-5703, and amendments thereto;
 - ~~(B)~~ (B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined in subsection (a) of K.S.A. 65-7006, prior to its repeal, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer, or subsection (a) of K.S.A. 2012 Supp. 21-5709, and amendments thereto;

~~(3)~~ (C) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A. 2012 Supp. 21-5705, and amendments thereto. The provisions of this paragraph shall not apply to violations of subsections (a)(2) through (a)(6) or (b) of K.S.A. 2010 Supp. 21-36a05 which occurred on or after July 1, 2009, through April 15, 2010;

(4) (2) has been convicted of an offense that is comparable to any crime defined in this subsection, any out of state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

~~(5)~~ (3) is or has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(g) Convictions or adjudications which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction or adjudication. Any conviction or adjudication set aside pursuant to law is not a conviction or adjudication for purposes of this section. A conviction or adjudication from any out of state court shall constitute a conviction or adjudication for purposes of this section.

(h) "School" means any public or private educational institution, including, but not limited to, postsecondary school, college, university, community college, secondary school, high school, junior high school, middle school, elementary school, trade school, vocational school or professional school providing training or education to an offender for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(i) "Employment" means any full-time, part-time, transient, day-labor employment or volunteer work, with or without compensation, for three or more consecutive days or parts of days, or for 10 or more nonconsecutive days in a period of 30 consecutive days.

(j) "Reside" means to stay, sleep or maintain with regularity or temporarily one's person and property in a particular place other than a location where the offender is incarcerated. It shall be presumed that an offender resides at any and all locations where the offender stays, sleeps or maintains the offender's person for three or more consecutive days or parts of days, or for ten or more non-consecutive days in a period of 30 consecutive days.

(k) "Residence" means a particular and definable place where an individual resides. Nothing in the Kansas offender registration act shall be construed to state that an offender may only have one residence for the purpose of such act.

(l) "Transient" means having no fixed or identifiable residence.

(m) "Law enforcement agency having initial jurisdiction" means the registering law enforcement agency of the county or location of jurisdiction where the offender expects to most often reside upon the offender's discharge, parole or release.

(n) "Registering law enforcement agency" means the sheriff's office or tribal police department responsible for registering an offender.

(o) "Registering entity" means any person, agency or other governmental unit, correctional facility or registering law enforcement agency responsible for obtaining the required information from, and explaining the required registration procedures to, any person required to register pursuant to the Kansas offender registration act. "Registering entity" shall include, but not be limited to, sheriff's offices, tribal police departments

and correctional facilities.

(p) "Treatment facility" means any public or private facility or institution providing inpatient mental health, drug or alcohol treatment or counseling, but does not include a hospital, as defined in K.S.A. 65-425, and amendments thereto.

(q) "Correctional facility" means any public or private correctional facility, juvenile detention facility, prison or jail.

(r) "Out of state" means: the District of Columbia; any federal, military or tribal jurisdiction, including those within this state; any foreign jurisdiction; or any state or territory within the United States, other than this state.

(s) "Duration of registration" means the length of time during which an offender is required to register for a specified offense or violation.

Sec. 2. K.S.A. 2012 Supp. 22-4903 is hereby amended to read as follows: 22-4903.

(a) Violation of the Kansas offender registration act is the failure by an offender, as defined in K.S.A. 22-4902, and amendments thereto, to comply with any and all provisions of such act, including any and all duties set forth in K.S.A. 22-4905 through 22-4907, and amendments thereto. Any violation of the Kansas offender registration act which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate offense every 30 days thereafter for as long as the violation continues.

(b) Aggravated violation of the Kansas offender registration act is violation of the Kansas offender registration act which continues for more than 180 consecutive days. Any aggravated violation of the Kansas offender registration act which continues for more than 180 consecutive days shall, upon the 181st consecutive day, constitute a new and separate offense, and shall continue to constitute a new and separate violation of the Kansas offender registration act every 30 days thereafter, or a new and separate aggravated violation of the Kansas offender registration act every 180 days thereafter, for as long as the violation continues.

(c) (1) Except as provided in subsection (c)(3), violation of the Kansas offender registration act is:

- (A) Upon a first conviction, a severity level 6, person felony;
- (B) upon a second conviction, a severity level 5, person felony; and
- (C) upon a third or subsequent conviction, a severity level 3, person felony.

(2) Except as provided in subsection (c)(3), aggravated violation of the Kansas offender registration act is a severity level 3, person felony.

(3) Violation of the Kansas offender registration act or aggravated violation of the Kansas offender registration act consisting only of failing to remit payment to the sheriff's office as required in subsection (k) of K.S.A. 22-4905, and amendments thereto, is:

(A) Except as provided in subsection (c)(3)(B), a class A misdemeanor if, within 15 days of registration, full payment is not remitted to the sheriff's office;

(B) a severity level 9, person felony if, within 15 days of the most recent registration, two or more full payments have not been remitted to the sheriff's office.

(d) Prosecution of violations of this section may be held:

- (1) In any county in which the offender resides;
- (2) in any county in which the offender is required to be registered under the Kansas offender registration act;
- (3) in any county in which the offender is located during which time the offender is

not in compliance with the Kansas offender registration act; or

(4) in the county in which any conviction or adjudication occurred for which the offender is required to be registered under the Kansas offender registration act.

Sec. 3. K.S.A. 2012 Supp. 22-4904 is hereby amended to read as follows: 22-4904.

(a) (1) At the time of conviction or adjudication for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall:

(A) Inform any offender, on the record, of the procedure to register and the requirements of K.S.A. 22-4905, and amendments thereto; and

(B) if the offender is released:

(i) Complete a notice of duty to register, which shall include title and statute number of conviction or adjudication, date of conviction or adjudication, case number, county of conviction or adjudication, and the following offender information: Name, address, date of birth, social security number, race, ethnicity and gender;

(ii) require the offender to read and sign the notice of duty to register, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(iii) order the offender to report within three business days to the registering law enforcement agency in the county or tribal land of conviction or adjudication and to the registering law enforcement agency in any place where the offender resides, maintains employment or attends school, to complete the registration form with all information and any updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(iv) provide one copy of the notice of duty to register to the offender and, within three business days, send a copy of the form to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation.

(2) At the time of sentencing or disposition for an offense requiring registration as provided in K.S.A. 22-4902, and amendments thereto, the court shall ensure the age of the victim is documented in the journal entry of conviction or adjudication.

(b) The staff of any correctional facility or the registering law enforcement agency's designee shall:

(1) At the time of initial custody, register any offender within three business days:

(A) Inform the offender of the procedure for registration and of the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(D) provide one copy of the form to the offender and, within three business days, send a copy of the form to the Kansas bureau of investigation; and

(E) enter all offender information required by the national crime information center into the national sex offender registry system within three business days of completing the registration or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the Kansas bureau of investigation;

(2) notify the Kansas bureau of investigation of the incarceration of any offender and of the location or any change in location of the offender while in custody;

(3) prior to any offender being discharged, paroled, furloughed or released on work or school release ~~from that does not require the daily return to a correctional facility, or otherwise released from incarceration:~~

(A) Inform the offender of the procedure for registration and of the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) complete the registration form with all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto;

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(D) photograph the offender's face and any identifying marks;

(E) obtain fingerprint and palm prints of the offender; and

(F) provide one copy of the form to the offender and, within three business days, send a copy of the form and of the photograph or photographs to the law enforcement agency having initial jurisdiction and to the Kansas bureau of investigation; and

(4) notify the law enforcement agency having initial jurisdiction and the Kansas bureau of investigation seven business days prior to any offender being discharged, paroled, furloughed or released on work or school release.

(c) The staff of any treatment facility shall:

(1) Within three business days of an offender's arrival for inpatient treatment, inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected duration of the treatment, and immediately notify the registering law enforcement agency of an unauthorized or unexpected absence of the offender during the offender's treatment;

(2) inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located within three business days of an offender's discharge or release; and

(3) provide information upon request to any registering law enforcement agency having jurisdiction relevant to determining the presence of an offender within the treatment facility.

(d) The registering law enforcement agency, upon the reporting of any offender, shall:

(1) Inform the offender of the duty to register as provided by the Kansas offender registration act;

(2) (A) explain the procedure for registration and the offender's registration requirements as provided in K.S.A. 22-4905, and amendments thereto;

(B) obtain the information required for registration as provided in K.S.A. 22-4907, and amendments thereto; and

(C) require the offender to read and sign the registration form, which shall include a statement that the requirements provided in this subsection have been explained to the offender;

(3) complete the registration form with all information and updated information required for registration, as provided in K.S.A. 22-4907, and amendments thereto, each time the offender reports to the registering law enforcement agency. All information and updated information reported by an offender shall be forwarded to the Kansas bureau of investigation within three business days;

(4) maintain the original signed registration form, provide one copy of the completed registration form to the offender and, within three business days, send one copy of the completed form to the Kansas bureau of investigation;

(5) forward a copy of any certified letter used for reporting pursuant to K.S.A. 22-4905, and amendments thereto, when utilized, within three business days to the Kansas bureau of investigation;

(6) obtain registration information from every offender required to register regardless of whether or not the offender remits payment. ~~Failure of the offender to remit payment is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto;~~

(7) upon every required reporting, update the photograph or photographs of the offender's face and any new identifying marks and immediately forward copies or electronic files of the photographs to the Kansas bureau of investigation;

(8) enter all offender information required by the national crime information center into the national sex offender registry system within three business days of completing the registration or electronically submit all information and updated information required for registration as provided in K.S.A. 22-4907, and amendments thereto, within three business days to the Kansas bureau of investigation;

(9) maintain a special fund for the deposit and maintenance of fees paid by offenders. All funds retained by the registering law enforcement agency pursuant to the provisions of this section shall be credited to a special fund of the registering law enforcement agency which shall be used solely for law enforcement and criminal prosecution purposes and which shall not be used as a source of revenue to reduce the amount of funding otherwise made available to the registering law enforcement agency; and

(10) forward any initial registration and updated registration information within three business days to any out of state jurisdiction where the offender is expected to reside, maintain employment or attend school.

(e) (1) The Kansas bureau of investigation shall:

(A) Forward all additions or changes in information to any registering law enforcement agency, other than the agency that submitted the form, where the offender expects to reside, maintain employment or attend school;

(B) ensure that offender information is immediately entered in the state registered offender database and the Kansas registered offender website, as provided in K.S.A. 22-4909, and amendments thereto;

(C) transmit offender conviction or adjudication data, fingerprints and palm prints to the federal bureau of investigation; and

(D) ensure all offender information required by the national crime information center is transmitted into the national sex offender registry system within three business days of such information being electronically submitted to the Kansas bureau of investigation.

(2) The director of the Kansas bureau of investigation may adopt rules and regulations necessary to implement the provisions of the Kansas offender registration act.

(f) The attorney general shall, within 10 business days of an offender being declared a sexually violent predator, forward to the Kansas bureau of investigation all relevant court documentation declaring an offender a sexually violent predator.

(g) The state department of education shall annually notify any school of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration act sponsored or created by the registering law enforcement agency of the county or location of jurisdiction in which the school is located, for the purpose of locating offenders who reside near such school. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such school is located is available to the school to assist in using the registry and providing additional information on registered offenders.

(h) The secretary of health and environment shall annually notify any licensed child care facility of the Kansas bureau of investigation internet website, and any internet website containing information on the Kansas offender registration sponsored or created by the registering law enforcement agency of the county in which the facility is located, for the purpose of locating offenders who reside near such facility. Such notification shall include information that the registering law enforcement agency of the county or location of jurisdiction where such child care facility is located is available to the child care facilities to assist in using the registry and providing additional information on registered offenders.

(i) Upon request, the clerk of any court of record shall provide the Kansas bureau of investigation copies of complaints, indictments, information, journal entries, commitment orders or any other documents necessary to the performance of the duties of the Kansas bureau of investigation under the Kansas offender registration act. No fees or charges for providing such documents may be assessed.

Sec. 4. K.S.A. 2012 Supp. 22-4905 is hereby amended to read as follows: 22-4905. Any offender required to register as provided in the Kansas offender registration act shall:

(a) Except as otherwise provided in this subsection, register in person with the registering law enforcement agency within three business days of coming into any county or location of jurisdiction in which the offender resides or intends to reside, maintains employment or intends to maintain employment, or attends school or intends to attend school. Any such offender who cannot physically register in person with the registering law enforcement agency for such reasons including, but not limited to, incapacitation or hospitalization, as determined by a person licensed to practice medicine or surgery, shall be subject to verification requirements other than in-person registration, as determined by the registering law enforcement agency having jurisdiction;

(b) except as provided further, for any: (1) Sex offender, including a violent offender or drug offender who is also a sex offender, 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; and (2) violent offender or drug offender, 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, at the discretion of the registering law enforcement agency, one of the four required reports may be conducted by certified letter. When utilized, the certified letter for reporting shall be sent by the registering law enforcement agency to the reported residence of the offender. The offender shall indicate any changes in information as required for

reporting in person. The offender shall respond by returning the certified letter to the registering law enforcement agency within 10 business days by certified mail. The offender shall be required to report to the registering law enforcement agency once during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday. The registering law enforcement agency may determine the appropriate times and days for reporting by the offender, consistent with this subsection. Nothing contained in this subsection shall be construed to alleviate any offender from meeting the requirements prescribed in the Kansas offender registration act;

(c) provide the information required for registration as provided in K.S.A. 22-4907, and amendments thereto, and verify all information previously provided is accurate;

(d) if in the custody of a correctional facility, register with the correctional facility within three business days of initial custody and shall not be required to update such registration until ~~released from custody, granted work release or otherwise allowed to leave the grounds of the~~ discharged, paroled, furloughed or released on work or school release from a correctional facility. A copy of the registration form and any updated registrations for an offender released on work or school release shall be sent, within three business days, to the registering law enforcement agency where the offender is incarcerated, maintains employment or attends school, and to the Kansas bureau of investigation;

(e) notwithstanding subsections (a) and (b), if the offender is transient, report in person to the registering law enforcement agency of such county or location of jurisdiction in which the offender is physically present within three business days of arrival in the county or location of jurisdiction. Such offender shall be required to register in person with the registering law enforcement agency every 30 days, or more often at the discretion of the registering law enforcement agency. Such offender shall comply with the provisions of the Kansas offender registration act and, in addition, shall:

(1) Provide a list of places where the offender has slept and otherwise frequented during the period of time since the last date of registration; and

(2) provide a list of places where the offender may be contacted and where the offender intends to sleep and otherwise frequent during the period of time prior to the next required date of registration;

(f) if required by out of state law, register in any out of state jurisdiction, where the offender resides, maintains employment or attends school;

(g) register in person upon any commencement, change or termination of residence location, employment status, school attendance or other information as provided in K.S.A. 22-4907, and amendments thereto, within three business days of such commencement, change or termination, to the registering law enforcement agency or agencies where last registered and provide written notice to the Kansas bureau of investigation;

(h) report in person to the registering law enforcement agency or agencies within three business days of any change in name;

(i) if receiving inpatient treatment at any treatment facility, inform the treatment facility of the offender's status as an offender and inform the registering law enforcement agency of the county or location of jurisdiction in which the treatment facility is located of the offender's presence at the treatment facility and the expected

duration of the treatment;

(j) submit to the taking of an updated photograph by the registering law enforcement agency on each occasion when the offender registers with or reports to the registering law enforcement agency in the county or location of jurisdiction in which the offender resides, maintains employment or attends school. In addition, such offender shall submit to the taking of a photograph to document any changes in identifying characteristics, including, but not limited to, scars, marks and tattoos;

(k) remit payment to the sheriff's office in the amount of \$20 ~~during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday~~ as part of the reporting process required pursuant to subsection (b) in each county in which the offender resides, maintains employment or is attending school. Registration will be completed regardless of whether or not the offender remits payment. Failure of the offender to remit full payment within 15 days of registration is a violation of the Kansas offender registration act and is subject to prosecution pursuant to K.S.A. 22-4903, and amendments thereto. Notwithstanding other provisions herein, payment of this fee is not required:

(1) When an offender provides updates or changes in information or during an initial registration unless such updates, changes or initial registration is during the month of such offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday;

(2) when an offender is transient and is required to register every 30 days, or more frequently as ordered by the registering law enforcement agency, except during the month of the offender's birthday and every third, sixth and ninth month occurring before and after the month of the offender's birthday; or

(3) if an offender has, prior to the required reporting and within the last three years, been determined to be indigent by a court of law, and the basis for that finding is recorded by the court;

(l) annually renew any driver's license pursuant to K.S.A. 8-247, and amendments thereto, and annually renew any identification card pursuant to K.S.A. 2012 Supp. 8-1325a, and amendments thereto;

(m) if maintaining primary residence in this state, surrender all driver's licenses and identification cards from other states, territories and the District of Columbia, except if the offender is presently serving and maintaining active duty in any branch of the United States military or the offender is an immediate family member of a person presently serving and maintaining active duty in any branch of the United States military;

(n) read and sign the registration form noting whether the requirements provided in this section have been explained to the offender; and

(o) report in person to the registering law enforcement agency in the jurisdiction of the offender's residence and provide written notice to the Kansas bureau of investigation 21 days prior to any travel outside of the United States, and provide an itinerary including, but not limited to, destination, means of transport and duration of travel, or if under emergency circumstances, within three business days of making travel arrangements.

Sec. 5. K.S.A. 2012 Supp. 22-4906 is hereby amended to read as follows: 22-4906.

(a) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 15 years after the

date of parole, discharge or release, whichever date is most recent, or, if not confined, 15 years from the date of conviction:

(A) Sexual battery, as defined in K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(B) adultery, as defined in K.S.A. 21-3507, prior to its repeal, or K.S.A. 2012 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;

(C) patronizing a prostitute, as defined in K.S.A. 21-3515, prior to its repeal, or K.S.A. 2012 Supp. 21-6421, and amendments thereto, when one of the parties involved is less than 18 years of age;

(D) lewd and lascivious behavior, as defined in K.S.A. 21-3508, prior to its repeal, or K.S.A. 2012 Supp. 21-5513, and amendments thereto, when one of the parties involved is less than 18 years of age;

(E) capital murder, as defined in K.S.A. 21-3439, prior to its repeal, or K.S.A. 2012 Supp. 21-5401, and amendments thereto;

(F) murder in the first degree, as defined in K.S.A. 21-3401, prior to its repeal, or K.S.A. 2012 Supp. 21-5402, and amendments thereto;

(G) murder in the second degree, as defined in K.S.A. 21-3402, prior to its repeal, or K.S.A. 2012 Supp. 21-5403, and amendments thereto;

(H) voluntary manslaughter, as defined in K.S.A. 21-3403, prior to its repeal, or K.S.A. 2012 Supp. 21-5404, and amendments thereto;

(I) involuntary manslaughter, as defined in K.S.A. 21-3404, prior to its repeal, or subsections (a)(1), (a)(2) or (a)(4) of K.S.A. 2012 Supp. 21-5405, and amendments thereto;

(J) criminal restraint, as defined in K.S.A. 21-3424, prior to its repeal, or K.S.A. 2012 Supp. 21-5411, and amendments thereto, except by a parent, and only when the victim is less than 18 years of age;

(K) any act which has been determined beyond a reasonable doubt to have been sexually motivated, unless the court, on the record, finds that the act involved non-forcible sexual conduct, the victim was at least 14 years of age and the offender was not more than four years older than the victim;

(L) conviction of any person required by court order to register for an offense not otherwise required as provided in the Kansas offender registration act;

(M) conviction of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;

(N) unlawful manufacture or attempting such of any controlled substance or controlled substance analog, as defined in K.S.A. 65-4159, prior to its repeal, K.S.A. 2010 Supp. 21-36a03, prior to its transfer, or K.S.A. 2012 Supp. 21-5703, and amendments thereto;

(O) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance, as defined by subsection (a) of K.S.A. 65-7006, prior to its repeal, subsection (a) of K.S.A. 2010 Supp. 21-36a09, prior to its transfer, or subsection (a) of K.S.A. 2012 Supp. 21-5709, and amendments thereto;

(P) K.S.A. 65-4161, prior to its repeal, subsection (a)(1) of K.S.A. 2010 Supp. 21-36a05, prior to its transfer, or subsection (a)(1) of K.S.A. 2012 Supp. 21-5705, and

amendments thereto; or

(Q) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 15 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(b) (1) Except as provided in subsection (c), if convicted of any of the following offenses, an offender's duration of registration shall be, if confined, 25 years after the date of parole, discharge or release, whichever date is most recent, or, if not confined, 25 years from the date of conviction:

(A) Criminal sodomy, as defined in subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto, when one of the parties involved is less than 18 years of age;

(B) indecent solicitation of a child, as defined in K.S.A. 21-3510, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(C) electronic solicitation, as defined in K.S.A. 21-3523, prior to its repeal, or K.S.A. 2012 Supp. 21-5509, and amendments thereto;

(D) aggravated incest, as defined in K.S.A. 21-3603, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5604, and amendments thereto;

(E) indecent liberties with a child, as defined in K.S.A. 21-3503, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(F) unlawful sexual relations, as defined in K.S.A. 21-3520, prior to its repeal, or K.S.A. 2012 Supp. 21-5512, and amendments thereto;

(G) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the victim is 14 or more years of age but less than 18 years of age;

(H) aggravated sexual battery, as defined in K.S.A. 21-3518, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5505, and amendments thereto;

(I) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the prostitute is 14 or more years of age but less than 18 years of age; or

(J) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(2) Except as otherwise provided by the Kansas offender registration act, the duration of registration terminates, if not confined, at the expiration of 25 years from the date of conviction. Any period of time during which any offender is incarcerated in any jail or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration.

(c) Upon a second or subsequent conviction of an offense requiring registration, an offender's duration of registration shall be for such offender's lifetime.

(d) The duration of registration for any offender who has been convicted of any of

the following offenses shall be for such offender's lifetime:

(1) Rape, as defined in K.S.A. 21-3502, prior to its repeal, or K.S.A. 2012 Supp. 21-5503, and amendments thereto;

(2) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5508, and amendments thereto;

(3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5506, and amendments thereto;

(4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(3) or (a)(4) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;

(6) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5426, and amendments thereto;

(7) sexual exploitation of a child, as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2012 Supp. 21-5510, and amendments thereto, if the victim is less than 14 years of age;

(8) promoting prostitution, as defined in K.S.A. 21-3513, prior to its repeal, or K.S.A. 2012 Supp. 21-6420, and amendments thereto, if the prostitute is less than 14 years of age;

(9) kidnapping, as defined in K.S.A. 21-3420, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5408, and amendments thereto;

(10) aggravated kidnapping, as defined in K.S.A. 21-3421, prior to its repeal, or subsection (b) of K.S.A. 2012 Supp. 21-5408, and amendments thereto; or

(11) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, of an offense defined in this subsection.

(e) Any person who has been declared a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, shall register for such person's lifetime.

(f) Notwithstanding any other provisions of this section, for an offender less than 14 years of age who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law

enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(g) Notwithstanding any other provisions of this section, for an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is not an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2012 Supp. 21-6804, and amendments thereto, the court shall:

(1) Require registration until such offender reaches 18 years of age, at the expiration of five years from the date of adjudication or, if confined, from release from confinement, whichever date occurs later. Any period of time during which the offender is incarcerated in any jail, juvenile facility or correctional facility or during which the offender does not comply with any and all requirements of the Kansas offender registration act shall not count toward the duration of registration;

(2) not require registration if the court, on the record, finds substantial and compelling reasons therefor; or

(3) require registration, but such registration information shall not be open to inspection by the public or posted on any internet website, as provided in K.S.A. 22-4909, and amendments thereto. If the court requires registration but such registration is not open to the public, such offender shall provide a copy of such court order to the registering law enforcement agency at the time of registration. The registering law enforcement agency shall forward a copy of such court order to the Kansas bureau of investigation.

If such offender violates a condition of release during the term of the conditional release, the court may require such offender to register pursuant to paragraph (1).

(h) Notwithstanding any other provisions of this section, an offender 14 years of age or more who is adjudicated as a juvenile offender for an act which if committed by an adult would constitute a sexually violent crime set forth in subsection (c) of K.S.A. 22-4902, and amendments thereto, and such crime is an off-grid felony or a felony ranked in severity level 1 of the nondrug grid as provided in K.S.A. 21-4704, prior to its repeal, or K.S.A. 2012 Supp. 21-6804, and amendments thereto, shall be required to register for such offender's lifetime.

(i) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act for an offense that would not otherwise require registration as provided in subsection (a)(5) of K.S.A. 22-4902, and amendments thereto, then all provisions of the Kansas offender registration act shall apply, except that the duration of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(j) The duration of registration does not terminate if the convicted or adjudicated offender again becomes liable to register as provided by the Kansas offender registration act during the required period of registration.

(k) For any person moving to Kansas who has been convicted or adjudicated in an out of state court, or who was required to register under an out of state law, the duration of registration shall be the length of time required by the out of state jurisdiction or by

the Kansas offender registration act, whichever length of time is longer. The provisions of this subsection shall apply to convictions or adjudications prior to June 1, 2006, and to persons who moved to Kansas prior to June 1, 2006, and to convictions or adjudications on or after June 1, 2006, and to persons who moved to Kansas on or after June 1, 2006.

(l) For any person residing, maintaining employment or attending school in this state who has been convicted or adjudicated by an out of state court of an offense that is comparable to any crime requiring registration pursuant to the Kansas offender registration act, but who was not required to register in the jurisdiction of conviction or adjudication, the duration of registration shall be the duration required for the comparable offense pursuant to the Kansas offender registration act. ~~The duration of registration shall begin upon establishing residency, beginning employment or beginning school.~~

Sec. 6. K.S.A. 2012 Supp. 22-4907 is hereby amended to read as follows: 22-4907. (a) Registration as required by the Kansas offender registration act shall consist of a form approved by the Kansas bureau of investigation, which shall include a statement that the requirements provided in this section have been reviewed and explained to the offender, and shall be signed by the offender and, except when such reporting is conducted by certified letter as provided in subsection (b) of K.S.A. 22-4905, and amendments thereto, witnessed by the person registering the offender. Such registration form shall include the following offender information:

- (1) Name and all alias names;
- (2) date and city, state and country of birth, and any alias dates or places of birth;
- (3) title and statute number of each offense or offenses committed, date of each conviction or adjudication and court case numbers for each conviction or adjudication;
- (4) city, county, state or country of conviction or adjudication;
- (5) sex and date of birth or purported age of each victim of all offenses requiring registration;
- (6) current residential address, any anticipated future residence and any temporary lodging information including, but not limited to, address, telephone number and dates of travel for any place in which the offender is staying for seven or more days; and, if transient, the locations where the offender has stayed and frequented since last reporting for registration;
- (7) all telephone numbers at which the offender may be contacted including, but not limited to, all mobile telephone numbers;
- (8) social security number, and all alias social security numbers;
- (9) identifying characteristics such as race, ethnicity, skin tone, sex, age, height, weight, hair and eye color, scars, tattoos and blood type;
- (10) occupation and name, address or addresses and telephone number of employer or employers, and name of any anticipated employer and place of employment;
- (11) all current driver's licenses or identification cards, including a photocopy of all such driver's licenses or identification cards and their numbers, states of issuance and expiration dates;
- (12) all vehicle information, including the license plate number, registration number and any other identifier and description of any vehicle owned or operated by the offender, or any vehicle the offender regularly drives, either for personal use or in the course of employment, and information concerning the location or locations such

vehicle or vehicles are habitually parked or otherwise kept;

(13) license plate number, registration number or other identifier and description of any aircraft or watercraft owned or operated by the offender, and information concerning the location or locations such aircraft or watercraft are habitually parked, docked or otherwise kept;

(14) all professional licenses, designations and certifications;

(15) documentation of any treatment received for a mental abnormality or personality disorder of the offender; for purposes of documenting the treatment received, registering law enforcement agencies, correctional facility officials, treatment facility officials and courts may rely on information that is readily available to them from existing records and the offender;

(16) a photograph or photographs;

(17) fingerprints and palm prints;

(18) any and all schools and satellite schools attended or expected to be attended and the locations of attendance and telephone number;

(19) any and all: E-mail addresses; online identities used by the offender on the internet; information relating to membership in any and all personal web pages or online social networks; and internet screen names;

(20) all travel and immigration documents; and

(21) name and telephone number of the offender's probation, parole or community corrections officer.

~~(b)-(4) The offender shall also provide to the registering law enforcement agency DNA exemplars, unless already on file at the Kansas bureau of investigation provide biological samples for DNA analysis to the registering law enforcement agency as required by K.S.A. 21-2511, and amendments thereto. The biological samples shall be in the form using a DNA databank kit authorized by the Kansas bureau of investigation. The registering law enforcement agency shall forward such biological samples to the Kansas bureau of investigation. Prior to taking such sample, the registering law enforcement agency shall search the Kansas criminal justice information system to determine if such person's DNA profile is currently on file. If such person's DNA profile is on file with the Kansas bureau of investigation, the registering law enforcement agency is not required to take biological samples.~~

~~(2) If the exemplars to be taken require the withdrawal of blood, such withdrawal may be performed only by:~~

~~(A) A person licensed to practice medicine or surgery, or a person acting under the supervision of any such licensed person;~~

~~(B) a registered nurse or a licensed practical nurse;~~

~~(C) any qualified medical technician; or~~

~~(D) a licensed phlebotomist.~~

Sec. 7. K.S.A. 2012 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906 and 22-4907 are hereby repealed.;

And by redesignating sections accordingly;

On page 1, in the title, by striking all in lines 1 through 4 and inserting:

"AN ACT concerning the Kansas offender registration act; amending K.S.A. 2012 Supp. 22-4902, 22-4903, 22-4904, 22-4905, 22-4906 and 22-4907 and repealing the existing sections.;"

LANCE KINZER
 ROB BRUCHMAN
 JANICE L. PAULS

Conferees on part of House

JEFF KING
 GREG SMITH
 DAVID HALEY

Conferees on part of Senate

Senator King moved the Senate adopt the Conference Committee Report on **SB 20**.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Faust-Goudeau, Hawk.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2213** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 10, by striking all in lines 12 through 43;

By striking all on pages 11 through 14 and inserting:

"Sec. 3. K.S.A. 74-4958 is hereby amended to read as follows: 74-4958. (1) Any member who retires on or after July 1, 1993, shall be entitled to receive an age and service retirement benefit equal to 2.5% of such member's final average salary multiplied by the number of years of credited service for which the member contributed at the contribution rate prescribed by subsection (1) of K.S.A. 74-4965, and amendments thereto, or for which such member made a lump sum repayment in accordance with the provisions of K.S.A. 74-4965, and amendments thereto, except that in no case shall such retirement benefit exceed ~~80%~~ 90% of such member's final average salary.

(2) Any member who is appointed or employed prior to July 1, 1989, who does not make an election pursuant to K.S.A. 74-4955a, and amendments thereto, and who retires before such member's normal retirement date shall receive an early retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date reduced by an amount equal to the product of (A) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (B) the product of ~~4%~~ 0.4% multiplied by the number of months difference, to the nearest whole month, between the member's attained age at the time of retirement and age 55.

(3) Upon the death after retirement of a member who was covered, up to the entry date of the member's employer, by a pension system under the provisions of K.S.A. 12-

5001 to 12-5007, inclusive, and amendments thereto, or K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and who had not elected to retire under one of the options provided under K.S.A. 74-4964, and amendments thereto, the member's spouse, if such spouse was the member's lawfully wedded spouse for a period of not less than one year at the time of the member's retirement or if such spouse had been the member's lawfully wedded spouse for at least three years after the time of the member's retirement, shall receive: (A) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, a lump-sum benefit equal to $\frac{1}{2}$ the member's final average salary at the time of the member's retirement; and (B) an annual spouse's benefit equal to 75% of the member's retirement benefit payable in monthly installments, to accrue from the last day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years if such child is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902, and amendments thereto. No person shall be entitled to receive more than one benefit under the provisions of this subsection. Any person who otherwise meets the qualifications to receive more than one benefit under this subsection shall elect the benefit such person shall receive.

(4) Upon the death after retirement of a member who had not elected to retire under one of the options provided under K.S.A. 74-4964, and amendments thereto, such member's beneficiary shall receive an amount equal to the excess, if any, of such member's accumulated contributions over the sum of all retirement benefit payments made.

(5) The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant, any joint annuitant and any beneficiary.

Sec. 4. K.S.A. 74-4958a is hereby amended to read as follows: 74-4958a. (1) Any member who retires on or after July 1, 1993, shall be entitled to receive an age and

service retirement benefit equal to 2.5% of such member's final average salary multiplied by the number of years of credited service for which the member contributed at the contribution rate prescribed by subsection (1) of K.S.A. 74-4965, and amendments thereto, or for which such member made a lump sum repayment in accordance with the provisions of K.S.A. 74-4965, and amendments thereto, except that in no case shall such retirement benefit exceed ~~80%~~ 90% of such member's final average salary.

(2) Any member who retires before such member's normal retirement date shall receive an early retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date reduced by an amount equal to the product of (A) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (B) the product of ~~4%~~ 0.4% multiplied by the number of months difference, to the nearest whole month, between the member's attained age at the time of retirement and age 55.

(3) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, upon the death after retirement of a member who was covered, up to the entry date of the member's employer, by a pension system under the provisions of K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto, or K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and who had not elected to retire under one of the options provided under K.S.A. 74-4964, and amendments thereto, the member's spouse, if such spouse was the member's lawfully wedded spouse for a period of not less than one year at the time of the member's retirement or if such spouse had been the member's lawfully wedded spouse for at least three years after the time of the member's retirement, shall receive: (A) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, a lump-sum benefit equal to $\frac{1}{2}$ the member's final average salary at the time of the member's retirement; and (B) an annual spouse's benefit equal to 75% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123, and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117, and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to

recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902, and amendments thereto. No person shall be entitled to receive more than one benefit under the provisions of this subsection. Any person who otherwise meets the qualifications to receive more than one benefit under this subsection shall elect the benefit such person shall receive.

(4) Upon the death after retirement of a member who had not elected to retire under one of the options provided under K.S.A. 74-4964, and amendments thereto, such member's beneficiary shall receive an amount equal to the excess, if any, of such member's accumulated contributions over the sum of all retirement benefit payments made.

(5) The provisions of this section shall be effective on and after July 1, 1989, and shall apply only to members who were appointed or employed prior to July 1, 1989, and who made an election pursuant to K.S.A. 74-4955a, and amendments thereto; and persons appointed or employed on or after July 1, 1989.

(6) The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant, any joint annuitant and any beneficiary.

Sec. 5. K.S.A. 74-4965 is hereby amended to read as follows: 74-4965. (1) ~~Except as otherwise provided in this section Commencing with the first payroll period beginning on or after July 1, 2013, each participating employer shall, beginning with the first payroll period for services performed after the entry date, deduct from the compensation of each member 7% 7.15% of such member's compensation as employee contributions, except that in the case of a member whose employment is covered by social security and the member is a member of the class certified in the case of Brazelton v. Kansas public employees retirement system, 227 K. 443, 607 P.2d 510 (1980), the deduction from such member's compensation shall be reduced by the amount of such member's contributions to social security. For participating employers who join the system on or after July 1, 2013, such deduction shall commence beginning with the first payroll period for services performed after the entry date.~~

(2) For any member other than a member who is a member of the class certified in the case of Brazelton v. Kansas public employees retirement system, 227 K. 443, 607 P.2d 510 (1980), no employee contributions shall be reduced because of contributions to social security.

(3) All such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive director for credit to the Kansas public employees retirement fund and shall be credited to the members' individual accounts. Interest on each member's accumulated contributions at the rate determined under subsection (a) of K.S.A. 74-4922, and amendments thereto, shall be added annually to the member's individual account.

(4) ~~For all payroll periods commencing on or after the effective date of this act, each participating employer shall deduct from the compensation of each member who has received 32 years of credited service, 2% of such member's compensation as employee contributions. For each member that is having 2% of such member's compensation deducted as employee contributions on July 1, 2013, for all payroll periods commencing on or after July 1, 2013, the participating employer shall deduct~~

from the compensation of each such member 7.15% of such member's compensation as employee contributions. Such member may repay in a lump sum prior to or on such member's date of retirement, an amount equal to the difference between contributions actually made by the member and contributions which would have been made had such member always been contributing at the employee contribution rate prescribed by subsection (1) for all such service earned during the period of time the member made contributions at the 2% employee contribution rate, with interest. Such repayment, if made at retirement, may be deducted from the proceeds of the partial lump sum retirement options as prescribed in subsection (5)(G) of K.S.A. 74-4964, and amendments thereto, in the event the member elects such option. Such member shall pay the actual amount plus interest at a rate specified by the board. Any member who makes such a payment shall be entitled to service credit for purposes of calculation of retirement benefits pursuant to the provisions of K.S.A. 74-4958 and 74-4958a, and amendments thereto, for all years of service wherein such member contributed at the employee contribution rate prescribed by subsection (1), including all years of service such member previously paid at the 2% employee contribution rate but prior to or on such member's date of retirement repaid the difference pursuant to this subsection.

(5) (a) Subject to the provisions of K.S.A. 74-49,123, and amendments thereto, each participating employer, pursuant to the provisions of section 414(h)(2) of the federal internal revenue code, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (1) ~~commencing with the third quarter of 1984~~. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(b) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under the system.

(c) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive director for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member ~~commencing with the third quarter of 1984~~ may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.

Sec. 6. K.S.A. 2012 Supp. 74-49,135 is hereby amended to read as follows: 74-49,135. (a) The provisions of this section and any related provisions shall not be implemented until the board of trustees of the Kansas public employees retirement system has obtained approval for the election and related provisions specified in this section from the federal internal revenue service. The board may implement the remainder of this act prior to implementation of this section. To that end, this section and provisions related thereto are severable from the remainder of this act and shall be repealed if the federal internal revenue service refuses to grant such approval or issues an adverse decision.

(b) Except as otherwise provided in this act, 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) (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, commencing January 1, 2014, 5% of such member's compensation as employee contributions, and commencing January 1, 2015, and in each subsequent year, 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) An election under this section, including the default election pursuant to subsection ~~(d)(2)~~ (c)(2), is a one-time irrevocable election.";

And by renumbering sections accordingly;

On page 20, in line 10, by striking "2012 Supp."; also in line 10, by striking "74-4915, 74-4919," and inserting "74-4958, 74-4958a and 74-4965 and K.S.A. 2012 Supp.";

On page 1, in the title, in line 3, after the first semicolon by inserting "maximum retirement benefits; employee contributions;"; also in line 3, by striking all after "elections;"; in line 4, by striking all before "retirement"; in line 5, by striking "2012 Supp."; also in line 5, by striking "74-"; in line 6, by striking "4915, 74-4919," and inserting "74-4958, 74-4958a and 74-4965 and K.S.A. 2012 Supp.";

And your committee on conference recommends the adoption of this report.

JEFF KING

TY MASTERSON

LAURA KELLY

Conferees on part of Senate

STEVEN JOHNSON

JIM HOWELL

KATHY WOLF-MOORE

Conferees on part of House

Senator King moved the Senate adopt the Conference Committee Report on **HB 2213**.

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 1; Absent or Not Voting 2.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Francisco, Haley, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Love.
Absent or Not Voting: Faust-Goudeau, Hawk.
The Conference Committee Report was adopted.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 63**, and has appointed Representatives Kinzer, Bruchman and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

On motion of Senator Smith, the Senate adopted the conference committee report to agree to disagree on **SB 63**, and requested a new conference be appointed.

The President appointed Senators King, Smith and Haley as second conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Friday, May 17, 2013.

Journal of the Senate

SIXTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 17, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-eight senators present.
Senators Faust-Goudeau and Hawk were excused.
Invocation by Father Don Davidson:

This weekend thousands of young men and women will dawn caps and gowns and receive a diploma announcing to the entire world that they have reached the conclusion of a course of educational study; that they are indeed graduates. We will join with families as they celebrate their achievements, and we will think back upon our own graduation moments many years, possibly decades previous. These young women and men give our communities and state hope for the days ahead. They remind us of the enthusiasm and optimism of youth and that there is reason to be filled with hope for their future and ours; and we thank you Lord for their teachers who with them made their joy possible. We thank you God for those who teach and for those who learn, and for all those who begin a new adventure this weekend. In your name we pray, Amen

The Pledge of Allegiance was led by President Susan Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:
Ways and Means: **SB 247**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Apple introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1763—

A RESOLUTION congratulating Dylan Thomas York
on his 13 year record of perfect school attendance.

WHEREAS, Dylan Thomas York will graduate from Louisburg High School on May 18, 2013, and he has not missed any school for thirteen years; and

WHEREAS, Dylan's mother noted that he has been blessed with good health. During Dylan's freshman year of high school, he broke his ankle. He requested his surgery take place Friday evening so he would be able to return to school on Monday to maintain perfect attendance; and

WHEREAS, Dylan participates in soccer and wrestling. He is a model student, taking

Advanced Placement classes with a phenomenal grade point average. Dylan is also a member of the National Honor Society; and

WHEREAS, Dylan plans to attend Pittsburg State University in the fall, and he aspires to be an orthopedic surgeon: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Dylan York on his remarkable perfect school attendance for thirteen years. Dylan is a great student role model, and we wish him great success in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide three enrolled copies of this resolution to Senator Apple.

On emergency motion of Senator Apple **SR 1763** was adopted unanimously.

Also introduced were Dylan's parents Jack and Janet York.

The Senators rose for a standing ovation.

Senator Bruce introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1764—

A RESOLUTION celebrating Joe Hefner's 90th birthday
and thanking him for his service to the Kansas Senate.

WHEREAS, Joe Hefner was born on June 1, 1923, in Topeka, Kansas. He is a lifetime resident of the state of Kansas, and he attended high school in Topeka; and

WHEREAS, In 1941, Joe Hefner joined the Army and landed on Omaha Beach during D-Day. He was awarded the Purple Heart for his courageous service; and

WHEREAS, Joe Hefner has served on the Sergeant at Arms staff for 30 years starting in 1983. Before he came to the legislature, Joe worked at Goodyear for 35 years; and

WHEREAS, When asked about his favorite part of serving in the Kansas Senate, Joe said he enjoys the people and the parties: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we wish Joe Hefner a happy 90th birthday in June. We greatly appreciate his service and wish him well in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide one copy of this resolution to Senator Bruce.

On emergency motion of Senator Bruce **SR 1764** was adopted unanimously.

Also introduced were granddaughter Pam Watson, friend Dolly Klappin, and Stacy Graf.

The Senators rose for a standing ovation.

CHANGE OF CONFERENCE

President Wagle announced the appointment of Senator Masterson, Senator Denning and Senator Kelly to replace Senator Abrams, Senator Arpke, and Senator Hensley as members of the Conference Committee on **SB 171**.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **SB 63**, and has appointed Representatives Kinzer, Bruchman and Pauls as second conferees on the part of the House.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met, pursuant to recess, with President Wagle in the chair.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2162**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2162** submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 5 through 30;

On page 2, by striking all in lines 1 through 39 and inserting the following:

"Section 1. (a) No portion of any money appropriated by the state legislature shall be used, other than for normal and recognized executive and legislative relationships, for:

(1) Publicity or propaganda purposes relating to gun control; or

(2) preparation, distribution or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television or video presentation designed to support or defeat:

(A) The enactment of legislation before the federal government, state legislature or a local government legislative body relating to gun control; or

(B) any proposed or pending regulation, administrative action or order issued by the federal government, any state agency or local government relating to gun control.

(b) No portion of any appropriation shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting on behalf of such recipient, related to any activity designed to influence the enactment of legislation, an appropriation, a regulation, an administrative action, or an executive order proposed or pending before the federal government, Kansas legislature or local government legislative body relating to gun control.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future:

(1) Federal, state or local tax increase relating to gun control; or

(2) requirement or restriction on any legal consumer product, including its sale or marketing, relating to gun control.";

On page 1, in the title, in line 1, by striking all after "the"; in line 2, by striking "statements" and inserting "use of state appropriated moneys";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER
 ROB BRUCHMAN
 JANICE L. PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2162**.

On roll call, the vote was: Yeas 31; Nays 6; Present and Passing 0; Absent or Not Voting 3.

Yeas: Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Haley, Hensley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Francisco, Holland, McGinn, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: Abrams, Faust-Goudeau, Hawk.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Madam President: I believe **HB 2162** unduly restricts the freedom of speech of Kansas's local units of government and that is why I vote no. **HB 2162** places state government in the role of big brother, regulating the speech of local elected officials and their representatives on gun related issues at the local, state, and Federal level. We are denying our local elected officials the opportunity to voice their opinion and represent their constituents. Proponents argue that the bill only limits the use of state-appropriated funds for lobbying, but in reality what does that mean? Many local elected officials are paid through funding streams that include both state and local revenues. Any lobbyist that they contract with to represent them at the local, state, and Federal level is paid through the same funding streams. Many state elected officials indicate they do not like the Federal government implementing mandates on state government but do not seem to have any remorse when stifling the voice of local elected officials and their representatives. When the voices of local governments are stifled, we are stifling the voices of the voters who elected them to represent their local interests. I vote "NO" on **HB 2162**.—CAROLYN MCGINN

Senators Holland and Pettey request the record to show that they concur with the "Explanation of Vote" offered by Senator McGinn.

Madam President: I vote "NO" on the conference committee report on **HB 2162**. Questions were asked as to whether this would stifle free speech and limit comments on legislation, appropriations, regulations, administrative action, executive orders, and tax increases. The response was that there is an exception for portions of any money appropriated by the state legislature for "normal and recognized executive and legislative relationships", however, that phrase is not included in the restrictions on paying for the salary or expenses of grant or contract recipients or their agents. I am assuming that the legislature wants to continue our ability to pass resolutions to share our views on all issues and believe we should accord others that same opportunity. —MARCI FRANCISCO

On motion of Senator Bruce, the Senate adjourned until 2:30 p.m., Monday, May 20, 2013.

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, May 20, 2013, 2:30 p.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-four senators present.
Senators Apple, Bowers, Haley, Hawk, Olson and Ostmeyer were excused.
Invocation by Father Don Davidson:

Heavenly Father, one of your most creative children, Alexander Graham Bell, once said "Sometimes we stare so long at a door that is closing that we seek too late the one that is open." During these hectic days as we come to the end of the session, help us to seek the creative, consider the new, and rise to the possibilities of a new day. In your Holy Name we pray. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2249**.

The House nonconcurrs in Senate amendments to **HB 2216**, requests a conference and has appointed Representatives DeGraaf, Howell and Lane as conferees on the part of the House.

ORIGINAL MOTION

On motion of Senator Denning, the Senate acceded to the request of the House for a conference on **HB 2216**.

The Vice President appointed Senators Masterson, Denning and Kelly as conferees on the part of the Senate.

REPORT ON ENROLLED BILLS

SR 1763, SR 1764 reported correctly enrolled, properly signed and presented to the Secretary of Senate on May 20, 2013.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Tuesday, May 21, 2013.

Journal of the Senate

SIXTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 21, 2013, 10:30 a.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with thirty-nine members present.

Senator Hawk was excused.

Invocation by Father Don Davidson:

Merciful God, when the storms rage and threaten to overtake us, awaken our faith to know the power of your peace. Deliver us from our fear and ease our anxiety. Help us to endure the time of uncertainty and give us strength to face the challenges ahead. We pause this morning and pray for the people of Moore, Oklahoma. For those injured, for those who have lost their homes, and for all those who are responding to their manifold needs. Give them the assurance of your presence even in this time so that they can cling to your promise of hope and life shown to us in your holy name. Amen (Modified from the Lutheran Book of Worship)

The Pledge of Allegiance was led by Vice President Jeff King.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2145** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2145," as follows:

"Senate Substitute for HOUSE BILL No. 2145

By Committee on Ways and Means

"AN ACT concerning the university of Kansas; relating to the medical student loan act; amending K.S.A. 2012 Supp. 76-381 and repealing the existing section."; and the substitute bill be passed.

On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

The Senate met, pursuant to recess, with President Wagle in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1765—

A RESOLUTION congratulating Sumner Academy of Arts and Science on being ranked the #1 academic high school in Kansas.

WHEREAS, Sumner Academy of Arts and Science has been ranked the "best high school" in Kansas, and the "most challenging high school" in the state; and

WHEREAS, These rankings were announced this week by two renowned ratings programs that measure how well high schools prepare students for college, and student performance on Advanced Placement, International Baccalaureate tests and state-mandated assessments, among other elements; and

WHEREAS, Sumner Academy's mission statement is: Sumner Academy of Arts and Science is an International Baccalaureate World School that creates a culture of global thinking, which serves students beyond the classroom by developing knowledgeable, inquiring and caring young people; and

WHEREAS, Sumner High School, which was founded in 1905, operated through the spring of 1978. Because of the success of many of its graduates, Sumner High School became known nationally as one of the premier high schools academically for African Americans. The school reopened in Fall of 1978 under the new name of Sumner Academy of Arts and Science; and

WHEREAS, Sumner Academy was admitted into the International Baccalaureate network in 1987. Juniors and seniors who participate in the IB program of studies develop essential thinking and communication skills as they engage in university-level coursework at the high school level; and

WHEREAS, *The Washington Post*, as part of its "America's Most Challenging High Schools," gave Sumner a 72.00 percent rating for equity and excellence, and ranked it number one in Kansas. Sumner has a 99 percent graduation rate and 69 percent of its graduates go on to attend four-year colleges. On a regional level, the *Washington Post* ranked Sumner #19 in the Midwest; and

WHEREAS, *U.S. News and World Report*, as part of its 2013 Best High Schools rating system, named Sumner Academy the top-ranked high school in Kansas. In the nation, the school was ranked 64 out of 21,000 public high schools. These rankings are based on the number of advanced placement tests taken as well as student performance on these exams; and

WHEREAS, Sumner Academy of Arts and Science has provided over three decades of exemplary academic scholarship. The school continues the legacy that was known nationally and internationally as a premier academy for advanced academics and continues to stand as a model of academic excellence for all students in Kansas City, Kansas, the state of Kansas and the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Sumner Academy of Arts and Science on these remarkable state and national rankings. The children of our state are our future, and we celebrate great education in Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide ten enrolled copies of this resolution to Senator Haley.

On emergency motion of Senator Haley **SR 1765** was adopted unanimously.

Guests introduced were David Smith, Chief of Staff, and Christian Foster, Vice Principal.

The Senators rose for a standing ovation.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Wednesday, May 22, 2013.

Journal of the Senate

SIXTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 22, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-seven senators present.
Senators Haley, Hawk and McGinn were excused.
Invocation by Father Don Davidson:

Almighty God, you proclaim your truth in every age by many voices: Direct, in our time, we pray, those who speak where many listen and write what many read; that they may do their part in making our state and nation better for all of your children. Help us to know your presence and rely on your guidance. This we ask in your Holy and life giving name. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2162**.

The House announced the appointment of Reps. Rhoades, Suellentrop and Henry as conferees on **SB 171** to replace Reps. Cassidy, Grosserode and Winn.

The House announced the appointment of Rep. Siegfried as a conferee on **HB 2059** to replace Rep. Schwab.

The House announced the appointment of Rep. Siegfried as a conferee on **H Sub for SB 84** to replace Rep. Schwab.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met, pursuant to recess with Vice President Jeff King in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **HB 2199**.

Announcing the appointment of Rep. Siegfried as a conferee on **HB 2060** to replace Rep. Schwab.

The following bill was stricken from the calendar under House Rule 2307: **Sub SB 70**.

REPORT ON ENROLLED BILLS

SR 1765 reported correctly enrolled, properly signed and presented to the Secretary of Senate on May 22, 2013.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Thursday, May 23, 2013.

Journal of the Senate

SIXTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 23, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with forty senators present.
Invocation by Father Don Davidson:

A quote for the day: "God does not do good things for us because we are good and deserve them but because God is good and loves us." Heavenly Father thank you for being good, for guiding us through the good days and the bad, for loving us more than we love ourselves and for giving us the grace to love others and remember that they too are your children. In your life giving name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2149**, and requests return of the bill.

The House announced the appointment of Rep. Burroughs to replace Rep. Lane as a conferee on **HB 2216**.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met, pursuant to recess, with Vice President King in the chair.

On motion of Senator Bruce, the Senate recessed until 3:30 p.m.

The Senate met, pursuant to recess, with Vice President King in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle and Wolf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1766—

A RESOLUTION congratulating Wichita State University
on a successful year in NCAA inter-collegiate athletics.

WHEREAS, Wichita State University has had an outstanding year in NCAA inter-collegiate athletic competition, including impressive seasons in men's basketball, women's basketball, women's volleyball, men's golf, women's tennis, and men's tennis; and

WHEREAS, The Wichita State University men's basketball team won a school record 30 games and advanced to the NCAA Tournament Final Four for the first time since 1965. Coach Gregg Marshall was honored as the Missouri Valley Conference Coach of the Year for the second consecutive season, and seniors Malcolm Armstead and Carl Hall were named as the West Regional Most Outstanding Player and to the All-Tournament Team, respectively; and

WHEREAS, The Wichita State University women's basketball team had its most successful season in program history, capturing its first regular season and Missouri Valley Conference tournament championships. WSU earned a trip to the NCAA Tournament for the first time and set a school record with 24 victories. Jody Adams earned Missouri Valley Conference Coach of the Year honors; and

WHEREAS, The Wichita State University women's volleyball team advanced to its first NCAA Tournament Sweet 16 in school history with junior Chelsey Feekin and senior Emily Adney named All-Americans by the American Volleyball Coaches Association; and

WHEREAS, The Wichita State University men's golf team won the Missouri Valley Conference championship for the sixth straight year. The Wichita State women's tennis team won their fifth consecutive regular season and tournament championships under the leadership of coach Colin Foster. The Wichita State men's tennis team upset No. 27 Drake University in the finals of the Missouri Valley Conference Tournament to win their second Missouri Valley Conference championship: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Wichita State University on such an outstanding year in NCAA inter-collegiate athletic competition. Their hard work and dedication has made the state of Kansas proud, and we wish them success in the future; and

Be it further resolved: That the Secretary of the Senate provide twelve enrolled copies of this resolution to Senator McGinn.

On emergency motion of Senator Faust-Goudeau, **SR 1766** was adopted unanimously.

Introduced was Andy Schlapp, Director of Public Relations.

The Senators rose for a standing ovation.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege.

Madam President & Honorable Colleagues: Eighteen years ago today, May 23rd, 1995 at almost this very hour, in fact, my wife Michelle and I became parents for the first time. Our eldest child (now of FOUR children), a daughter we named Mariah Danielle was born, frowning up at me with eyes open into the glare of surgical lights as I had the pleasure of cutting the umbilical cord tethering her to her mother and to the

welcoming celebration of her independent Life.

As we were new parents, Madam President, we were just so ecstatic. Many of you whom are parents or aunts or uncles might recall those moments. And from then on, we just wanted to do everything “right”, you know?! The right temperature in the house and the food and the crib and the high chair and the stroller consumer reports, on and on ... EVERY thing! You might even recall, Madam President and maybe Senator Donovan and Senator Pettey, since the three of us, alone, in the Senate now were all members of the Kansas House back then; you might even recall that Michelle and I sent out a birth announcement along with a sepia colored photo of our two wedding banded hands clasped and pointing at Mariah’s angelic face staring up at the camera? We had just completed the 1995 Session a day or so before; and in my case, what was the very first year of service in the Kansas Legislature. Earlier this week, on Monday, Mariah Danielle Haley graduated from High School with a 4.0!

Like her mother and me, she is largely a product of public schools and strong parental support and encouragement. She is a National Academics Achiever and, after being accepted at many colleges, has decided to attend Wellesley College near Boston, Massachusetts this fall.

Madam President, I appreciate the Chamber’s indulgence but my connecting point is this; “I have spent ALL of Mariah’s life, to date, in the pursuit of public service.” Like many of you, I have commuted back and forth to day care and family gatherings and recitals and track meets and award presentations and you name it, in an effort to remain connected to our loved ones and to provide continuity to our family and community ties. Often misunderstood for what drives us to do whatever it is we do here in the Capitol, for very little pay, relationships at home can be strained. But today, as she reaches “adulthood,” my relationship and my love with Mariah is a bedrock foundation for my past and for my continuing legislative service.

My children see my commitment in my public service voice to the tenets of vibrant public schools and healthy nutrition and exercise options. They know that their father preaches equity for all people who work hard and play by the rules and that those rules shouldn’t favor a chosen few; but everyone. That respect and purpose for all God’s creatures shouldn’t be divisible in America by race or by culture or by gender or by orientation or by income or even education or status or ... even by specie! That she has the right to vote now and to arm to protect her self and hers and to make personal decisions about her own health and her own body and her own finances with a minimal of governmental interference or intrusion. I know her and trust her to live her life now as a responsible adult; soon ready to aid society; herself.

I pray that each of you in this Senate whether multiple terms or first term retains strong ties and relationships with those beloved back home. In the face of all aridity and importance here, love there is as perennial as the grass and deserves to the utmost of all to be nourished.

Of all recognitions over these last eighteen years, none is greater to me than those rare glimpses of love and respect that only staying and holding close to home seem to bring.

Happy Birthday, Mariah Danielle! And, be encouraged, my gentle colleagues. BOTH paths CAN be “successfully” done! If David Haley can, so far, do both...surely, you will, or have, too.

COMMITTEE OF THE WHOLE

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2084**.

On motion of Senator Bruce, 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 Longbine in the chair.

On motion of Senator Longbine, the following report was adopted:

HB 2084 be amended by adoption of the committee amendments and further amended by motion of Senator Tyson. The amendment was withdrawn, and following a failed amendment by Senator King, was re-offered with Senator Hensley's request to divide the amendment into two parts, in accordance with Senate Rule 27, as follows:

The first part contains the provisions of the amendment which insert the provisions of section 4, parts of section 5 contained in subsection (a), parts of section 6 which relate to the 4.95% sales tax rate for food, parts of section 7 which relate to the 4.95% use tax rate for food and subsection (a) and parts of section 8 which relate to the 4.95% use tax rate for food and subsection (a) and parts of section 8 which relate to the 4.95% use tax rate for food, all of which relate to the imposition and rate of sales and compensating tax, and distribution of revenue collected therefrom, on food and food ingredients, and food purchased through vending machines.

Upon the showing of 5 hands a roll call vote was requested.

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 0; Absent or Not Voting 1.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeier, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Donovan.

The vote to retain part 1 prevailed.

The second part is the balance of the amendment not specified in part one of the motion.

The voice vote to retain the second part prevailed.

The amendment, as offered by Senator Tyson, begins on page 1, by striking all in lines 7 through 34;

By striking all on pages 2 through 36;

On page 37, by striking all in lines 1 through 27 and inserting:

"Section 1. K.S.A. 2012 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

- (1) *Married individuals filing joint returns.*

(A) For tax year 2012:

If the taxable income is	The tax is:
Not over \$30,000.....	3.5% of Kansas taxable income
Over \$30,000 but not over.....	\$1,050 plus 6.25% of excess
\$60,000.....	over \$30,000
Over \$60,000.....	\$2,925 plus 6.45% of excess over
	over \$60,000

(B) For tax year 2013, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000	3.0% <u>2.9%</u> of Kansas taxable income
Over \$30,000	\$900 <u>\$870</u> plus 4.9% <u>4.8%</u> of excess over \$30,000

(C) For tax year 2014:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000</u>	<u>2.8% of Kansas</u> <u>taxable income</u>
<u>Over \$30,000</u>	<u>\$840 plus 4.6%</u> <u>of excess over</u> <u>\$30,000</u>

(D) For tax year 2015:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000</u>	<u>2.7% of Kansas</u> <u>taxable income</u>
<u>Over \$30,000</u>	<u>\$810 plus 4.5% of</u> <u>excess over</u> <u>\$30,000</u>

(E) For tax year 2016:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000</u>	<u>2.6% of Kansas</u> <u>taxable income</u>
<u>Over \$30,000</u>	<u>\$780 plus 4.4% of</u> <u>excess over</u> <u>\$30,000</u>

(F) For tax year 2017:

<u>If the taxable income is:</u>	<u>The tax is:</u>
<u>Not over \$30,000</u>	<u>2.5% of Kansas</u> <u>taxable income</u>
<u>Over \$30,000</u>	<u>\$750 plus 4.0% of</u> <u>excess over</u> <u>\$30,000</u>

(G) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000	2.5% of Kansas taxable income
Over \$30,000	\$750 plus 3.5% of excess over \$30,000

(2) All other individuals.

(A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000

(B) For tax year 2013, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000	3.0% 2.9% of Kansas taxable income
Over \$15,000	\$450 \$435 plus 4.9% 4.8% of excess over \$15,000

(C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$15,000	2.8% of Kansas taxable income
Over \$15,000	\$420 plus 4.6% of excess over \$15,000

(D) For tax year 2015:

If the taxable income is:	The tax is:
Not over \$15,000	2.7% of Kansas taxable income
Over \$15,000	\$405 plus 4.5% of excess over \$15,000

(E) For tax year 2016:

If the taxable income is:	The tax is:
Not over \$15,000	2.6% of Kansas taxable income

Over \$15,000	\$390 plus 4.4% of <u>excess over</u> <u>\$15,000</u>
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(F) For tax year 2017:

If the taxable income is:	The tax is:
Not over \$15,000	2.5% of Kansas <u>taxable income</u>
Over \$15,000	\$375 plus 4.0% of <u>excess over</u> <u>\$15,000</u>

(G) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000	2.5% of Kansas <u>taxable income</u>
Over \$15,000	\$375 plus 3.5% of <u>excess over</u> <u>\$15,000</u>

(b) Nonresident Individuals. A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations*. A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries*. A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

Sec. 2. K.S.A. 2012 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code. For tax year 1998 through tax year 2012, the standard deduction amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500. For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700. For tax year 2013, and all tax years thereafter, the standard deduction amount of an

individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,000; married filing status, ~~\$9,000~~ \$6,500; and head of household filing status, ~~\$9,000~~ \$5,000. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.

Sec. 3. K.S.A. 2012 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction.

(1) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 75% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(2) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 60% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(3) For the tax year commencing on January 1, 2015, the Kansas itemized deduction of an individual means 45% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax year commencing on January 1, 2016, the Kansas itemized deduction of an individual means 30% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(5) For the tax year commencing on January 1, 2017, the Kansas itemized deduction of an individual means 15% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(6) For the tax years commencing on and after January 1, 2018, the Kansas itemized deduction of an individual means 0% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A.

2012 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

(c) The provisions of this section that provide for a reduction in the total amount of deductions from federal adjusted gross income shall not apply to contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code, and amendments thereto.

(d) Notwithstanding any provision of this section to the contrary, for taxable years commencing after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto.

Sec. 4. K.S.A. 2012 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain .05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(h) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. Delivery charges shall not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. Direct mail includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. Direct mail does not include multiple items of printed material delivered to a single address.

(k) "Director" means the state director of taxation.

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the twelfth grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the North Central Association of Colleges and Schools, the state board of education, or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" does not include alcoholic beverages or tobacco. "Food and food ingredients" includes candy, bottled water, dietary supplements as defined in K.S.A. 79-3606(jjj), and amendments thereto, and soft drinks. As used in this subsection:

(1) "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. "Candy" shall not include any preparation containing flour and shall require no refrigeration.

(2) "Bottled water" means water that is placed in a safety sealed container or package for human consumption. Bottled water is calorie free and does not contain sweeteners or other additives except that it may contain: (A) Antimicrobial agents; (B) fluoride; (C) carbonation; (D) vitamins, minerals, and electrolytes; (E) oxygen; (F) preservatives; and (G) only those flavors, extracts, or essences derived from a spice or fruit. "Bottled water" includes water that is delivered to the buyer in a reusable container that is not sold with the water.

(3) "Soft drinks" means non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than 50% of vegetable or fruit juice by volume.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for 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, fur, or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property, or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization which makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental may include future options to purchase or extend.

(1) Lease or rental does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of \$100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator must do more than maintain, inspect or set-up the tangible personal property.

(2) Lease or rental does include agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

(t) "Member state" means a state that has entered in the agreement, pursuant to provisions of article VIII of the agreement.

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least \$500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

(x) "Municipal corporation" means any city incorporated under the laws of Kansas.

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number; and shall specifically mean any city or other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing,

airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in (1) the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, (2) the providing of services, (3) the irrigation of crops, for sale in the regular course of business, or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

(ff) "Purchaser" means a person to whom a sale of personal property is made or to whom a service is furnished.

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the

agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment, and selling only to the user or consumer and not for resale.

(jj) "Retail sale" or "sale at retail" means any sale, lease or rental for any purpose other than for resale, sublease or subrent.

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. The term "sale" or "sales" shall not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) delivery charges; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other

documentation presented by the purchaser.

(3) "Sales or selling price" shall not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser; and

(E) commencing on July 1, 2006, and ending on June 30, 2009, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) "Seller" means a person making sales, leases or rentals of personal property or services.

(nn) "Service" means those services described in and taxed under the provisions of K.S.A. 79-3603, and amendments thereto.

(oo) "Sourcing rules" means the rules set forth in K.S.A. 2012 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter" drug means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. The over-the-counter drug label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. Over-the-counter drugs do not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

(yy) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. The term telecommunications service includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over Internet protocol services or is classified by the federal communications commission as enhanced or value added. Telecommunications service does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. 900 service does not include the charge for collection services provided by the seller of the telecommunications services to the

subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

(hhh) "Food sold through vending machines" means food dispensed from a machine or other mechanical device that accepts payment.

(iii) "Prepared food" means:

(1) Food sold in a heated state or heated by the seller;

(2) two or more food ingredients mixed or combined by the seller for sale as a single item; or

(3) food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.

"Prepared food" in paragraph (iii)(2) does not include food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the food and drug administration in chapter 3, part 401.11 of its food code so as to prevent food borne illnesses.

Sec. 5. K.S.A. 2012 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, ~~and commencing July 1, 2013, at the rate of 5.7%.~~ Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state, except that effective July 1, 2013, the rate on sales of food and food ingredients, and sales of food through vending machines shall be 4.95%, but not including sales of prepared food, which sales shall be at the rate of 6.3%. The following items shall be taxed as sales of food and food ingredients and not as sales of prepared food if sold without eating utensils provided by the seller:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries).

(2) Food sold in an unheated state by weight or volume as a single item.

(3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas.

The sales of substances that are included within the definition of "food and food ingredients," including, but not limited to, "bottled water," "candy," "dietary supplements" and "soft drinks," shall be taxed as the sales of "prepared food" if sold as "prepared food";

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2012 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for 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, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected

upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit

organization which is exempt from federal income taxation pursuant to section 501 (c) (3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b) (2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act 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 tax paid as provided by this act. All such 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 of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction

or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 6. K.S.A. 2012 Supp. 79-3620, as amended by section 6 of 2013 House

Substitute for Senate Bill No. 83, is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~

17.144% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of ~~5.7%~~, 6.3% and 4.95% for food and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3710, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 7. K.S.A. 2012 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of

tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, ~~and commencing July 1, 2013, at the rate of 5.7%~~ except that effective July 1, 2013, the rate on the consideration paid by the taxpayer for food and food ingredients, and food purchased through vending machines shall be 4.95%, but not including the consideration paid by the taxpayer for prepared food, which rate shall be 6.3%.

(a) The following items shall be taxed as the using, consuming or storing within this state of food and food ingredients and not as the using, consuming or storing within this state of prepared food if sold without eating utensils provided by the seller:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries).

(2) Food sold in an unheated state by weight or volume as a single item.

(3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas.

The privilege of using, storing or consuming within this state substances that are included within the definition of "food and food ingredients," including, but not limited to, "bottled water," "candy," "dietary supplements" and "soft drinks," shall be taxed as the privilege of using, storing or consuming within this state "prepared food" if sold as "prepared food."

(b) Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 8. K.S.A. 2012 Supp. 79-3710 is hereby amended to read as follows: 79-3710.

(a) All revenue collected or received by the director 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the

tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $19/265$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $13/106$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ 17.144% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of ~~5.7%~~ 6.3% and 4.95% for food and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be

transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3620, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 9. K.S.A. 2012 Supp. 79-32,110, 79-32,119, 79-32,120, 79-3602, 79-3603, 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, 79-3703 and 79-3710 are hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking "credits,;" by striking all in lines 2 through 4 and inserting "rates and deductions; sales tax, rates and distribution of revenue; amending K.S.A. 2012 Supp. 79-32,110, 79-32,119, 79-32,120, 79-3602, 79-3603, 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, 79-3703 and 79-3710 and repealing the existing sections."

HB 2084 be further amended by motion of Senator V. Schmidt: on page 1, in line 7, before "K.S.A." by inserting "On July 1, 2013,;"

On page 3, in line 9, before "Except" by inserting "On and after July 1, 2013,;" in line 19, before "K.S.A." by inserting "On July 1, 2013,;"

On page 37, following line 25, by inserting:

"New Sec. 4. (a) Any resident individual taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, which facility is used as, or in connection with, such taxpayer's principal dwelling or the principal dwelling of a lineal ascendant or descendant, including construction of a small barrier-free living unit attached to such principal dwelling, shall be entitled to claim a tax credit in an amount equal to the applicable percentage of such expenditures or \$9,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be deemed to prevent any such taxpayer from claiming such credit: (1) For each principal dwelling in which the taxpayer or lineal ascendant or descendant may reside, or facility

used in connection therewith; or (2) more than once, but not more often than once every four-year period of time. The applicable percentage of such expenditures eligible for credit shall be as set forth in the following schedule:

Taxpayers	
Kansas Adjusted Gross Income	% of expenditures eligible for credit
\$0 to \$25,000	100%
Over \$25,000 but not over \$30,000	90%
Over \$30,000 but not over \$35,000	80%
Over \$35,000 but not over \$40,000	70%
Over \$40,000 but not over \$45,000	60%
Over \$45,000 but not over \$55,000	50%
Over \$55,000	0%

Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

(b) Notwithstanding the provisions of subsection (a), if the amount of the taxpayer's tax liability is less than \$2,250 in the first year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{4}$ of the credit allowable under this section exceeds such tax liability shall be refunded to the taxpayer and the amount by which such credit exceeds such tax liability less the amount of such refund may be carried over for the next three succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the second year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{3}$ of the amount of the credit carried over from the first taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the first taxable year exceeds such tax liability less the amount of such refund may be carried over for the next two succeeding taxable years. If the amount of the taxpayer's tax liability is less than \$2,250 in the third year in which the credit is claimed under this section, an amount equal to the amount by which $\frac{1}{2}$ of the amount carried over from the second taxable year exceeds such tax liability shall be refunded to the taxpayer and the amount by which the amount of the credit carried over from the second taxable year exceeds such tax liability less the amount of such refund may be carried over to the next succeeding taxable year. If the amount of the credit carried over from the third taxable year exceeds the taxpayer's income tax liability for such year, the amount thereof which exceeds such tax liability shall be refunded to the taxpayer.

(c) The provisions of this section are applicable to tax year 2013, and all tax years thereafter.

Sec. 5. K.S.A. 2012 Supp. 79-32,177 is hereby amended to read as follows: 79-32,177. ~~(a)~~ Any taxpayer who makes expenditures for the purpose of making all or any portion of an existing facility accessible to individuals with a disability, or who makes expenditures for the purpose of making all or any portion of a facility or of equipment

usable for the employment of individuals with a disability, which facility or equipment is on real property located in this state and used in a trade or business or held for the production of income, shall be entitled to claim an income tax credit in an amount equal to 50% of such expenditures or, the amount of \$10,000, whichever is less, against the income tax liability imposed against such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, ~~and amendments thereto~~. Such tax credit shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the taxable year in which the expenditures are made.

~~(b) For tax year 2013 and all tax years thereafter, the income tax credit provided by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (c) of K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.";~~

Also on page 37, in line 26, before "K.S.A." by inserting "On July 1, 2013,"; following line 27, by inserting:

"Sec. 7. K.S.A. 2012 Supp. 79-32,177 is hereby repealed.";

And by renumbering sections accordingly;

Also on page 37, in line 29, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 1, after the last semicolon by inserting "expenditures to make dwelling or facility accessible for persons with a disability,"; in line 3, after "Supp." by inserting "79-32,177,"

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 19; Nays 18; Present and Passing 2; Absent or Not Voting 1.

Yeas: Bowers, Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, Longbine, Love, McGinn, Olson, Petersen, Pettey, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Arpke, Bruce, Denning, Fitzgerald, Holmes, King, Knox, LaTurner, Lynn, Masterson, Melcher, O'Donnell, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: Apple, Ostmeier.

Absent or Not Voting: Donovan.

The amendment was adopted.

HB 2084 be further amended by motion of Senator Wolf, by striking all in "Sec. 5" and inserting:

"Sec. 5. K.S.A. 2012 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, ~~and commencing July 1, 2013, at the rate of 5.7%~~. Within a redevelopment district established pursuant to K.S.A. 74-8921, and

amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state, except that effective January 1, 2014, the rate on sales of food and food ingredients, and sales of food through vending machines shall be 4.95%, but not including sales of prepared food, which sales shall be at the rate of 6.3%. The following items shall be taxed as sales of food and food ingredients and not as sales of prepared food if sold without eating utensils provided by the seller:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries).

(2) Food sold in an unheated state by weight or volume as a single item.

(3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas.

The sales of substances that are included within the definition of "food and food ingredients," including, but not limited to, "bottled water," "candy," "dietary supplements" and "soft drinks," shall be taxed as the sales of "prepared food" if sold as "prepared food";

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2012 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for 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, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing

amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of

1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c) (3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b) (2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act 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 tax paid as provided by this act. All such 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 of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate,

except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.;"

Also by striking "Sec. 7" and inserting:

"Sec. 7. K.S.A. 2012 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, ~~and commencing July 1, 2013, at the rate of 5.7% except that effective January 1, 2014, the rate on the consideration paid by the taxpayer for food and food ingredients, and food purchased through vending machines shall be 4.95%, but not including the consideration paid by the taxpayer for prepared food, which rate shall be 6.3%.~~

(a) The following items shall be taxed as the using, consuming or storing within this state of food and food ingredients and not as the using, consuming or storing within this state of prepared food if sold without eating utensils provided by the seller:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries).

(2) Food sold in an unheated state by weight or volume as a single item.

(3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas.

The privilege of using, storing or consuming within this state substances that are included within the definition of "food and food ingredients," including, but not limited to, "bottled water," "candy," "dietary supplements" and "soft drinks," shall be taxed as the privilege of using, storing or consuming within this state "prepared food" if sold as "prepared food."

(b) Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state."

The amendment was adopted and **HB 2084** be passed as further amended.

A motion by Senator King to amend **HB 2084** failed and the following amendment was rejected. on page 1, by striking all in lines 7 through 34;

By striking all on pages 2 through 36;

On page 37, by striking all in lines 1 through 27, and inserting:

"New Section 1. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year 2014, in any fiscal year in which the amount of selected actual state general fund receipts from such fiscal year exceeds the selected actual state general fund receipts for the immediately preceding fiscal year by more than 2%, the director of legislative research shall certify such excess amount to the secretary of revenue and the director of the budget. Upon receipt of such certified amount, the secretary shall compute the excess percentage increase in selected actual state general fund receipts above 2%. Based on such excess percentage of calculated receipt growth, the secretary shall compute the income tax rate reductions to go into effect for the next tax year that would reduce by such certified amount the tax rates during the fiscal year after the next fiscal year according to the provisions of this section, as follows: (A) Rate reductions for individual income tax rates shall be applied to reduce the highest marginal income tax rate applicable to the current tax year, by such excess percentage minus 0.5%, and the lowest marginal income tax rate applicable to the current tax year by such excess percentage plus 0.5%, except that in no case shall such excess percentage plus 0.5% result in an income tax rate increase. In any such computation by the secretary pursuant to this subsection in which the income tax rate for any individual marginal income tax rate is below 0.4%, such rate shall be 0%. Based on all such determinations, the secretary shall reduce individual income tax rates prescribed by K.S.A. 79-32,110, and amendments thereto, as required by this section;

(B) upon all individual marginal income tax rates being reduced to 0% pursuant to the provisions of subsection (a)(1)(A), rate reduction next shall be applied for the surtax on corporations applicable to the current tax year by such excess percentage. In any such computation by the secretary pursuant to this subsection: (i) The resulting income tax rate shall be rounded down to the nearest 0.1%; and (ii) in any case in which the surtax is below 0.4%, such surtax rate shall be 0%. Based on such determination, the secretary shall reduce the surtax on corporations prescribed by K.S.A. 79-32,110, and amendments thereto, as required by this section; and

(C) upon the surtax on corporations being reduced to a rate which when combined with the normal tax rate on corporations is equal to or below the combined surtax and normal tax imposed on national banking associations and state banks or is equal to or below the combined surtax and normal tax imposed on trust companies and savings and loan associations, rate reductions shall be proportionately applied for the tax on corporations, the tax on national banking associations and state banks, and the tax on trust companies and savings and loan associations. Such rate reductions shall be first applied to the surtax until reduced to 0% and then applied to the normal tax for each such tax. In any such computation by the secretary pursuant to this subsection: (i) The resulting income tax rate shall be rounded down to the nearest 0.1%; and (ii) in any case in which any such tax is below 0.4%, such tax rate shall be 0%. Based on such determination, the secretary shall reduce the surtax and the normal tax on corporations prescribed by K.S.A. 79-32,110, and amendments thereto, the surtax and normal tax on national banking associations and state banks prescribed by K.S.A. 79-1107, and amendments thereto, and the surtax and normal tax on trust companies and savings and loan associations prescribed by K.S.A. 79-1108, and amendments thereto, as required by this section.

(2) In any fiscal year in which the amount of selected actual state general fund receipts for such fiscal year are 102% or less than the selected actual state general fund

receipts from the immediately preceding fiscal year, the director of legislative research shall certify such amount and fact to the secretary of revenue and the director of the budget. Upon receipt of such amount and fact, the secretary of revenue shall not make any adjustment to the income tax rates for that tax year.

(b) The secretary of revenue shall report any reduction in income tax rates prescribed by this section to the chairperson of the assessment and taxation committee of the senate, the chairperson of the taxation committee of the house of representatives and the governor, and shall cause notice of any such reduction to be published in the Kansas register prior to September 15 of the calendar year immediately preceding the tax year in which such reduction takes effect.

(c) As used in this section, "selected actual state general fund receipts" means receipts from the following taxes and fees: Individual and corporation income taxes imposed under K.S.A. 79-32,110, and amendments thereto, financial institutions privilege taxes imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, retail sales taxes imposed under K.S.A. 79-3601 et seq., and amendments thereto, compensating use taxes imposed under K.S.A. 79-3701 et seq., and amendments thereto, cigarette and tobacco product taxes imposed under K.S.A. 79-3301 et seq., and amendments thereto, cereal malt beverage and liquor gallonage taxes imposed under K.S.A. 41-501 et seq., and amendments thereto, liquor enforcement taxes imposed under K.S.A. 79-4101 et seq., and amendments thereto, liquor drink taxes imposed under K.S.A. 79-41a01 et seq., and amendments thereto, corporation franchise taxes imposed under K.S.A. 79-5401, and amendments thereto, annual franchise fees charged pursuant to law and mineral severance taxes imposed under K.S.A. 79-4216 et seq., and amendments thereto.

New Sec. 2. (a) For any taxable year commencing after December 31, 2012, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual income taxpayer who purchased food in this state, had federal adjusted gross income for the tax year that did not exceed \$30,615, and meets the qualifications in subsections (b) and (c).

(b) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer and the taxpayer's spouse if married filing jointly, must be domiciled in this state. For purposes of this credit, "domicile" shall not include any correctional facility, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau of prisons located in the state of Kansas, or any city or county jail facility in the state of Kansas.

(c) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer or the taxpayer's spouse if married filing jointly, must be either: (1) A person having a disability, regardless of age; (2) a person without a disability who is 55 years of age or older; or (3) a person without a disability who is younger than 55 years of age who claims an exemption for one or more dependent children under 18 years of age.

(d) The amount of the credit shall be \$125 for every exemption claimed on the taxpayer's federal income tax return, except that no exemption shall be counted for a dependent unless the dependent is a child under 18 years of age.

(e) The credit allowed under this provision shall be applied against the taxpayer's

income tax liability after all other credits allowed under the income tax act. It shall not be refundable, and may not be carried forward.

(f) (1) Every taxpayer claiming the credit shall supply the division in support of a claim, reasonable proof of: (A) domicile; (B) age; and (C) disability.

(2) A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability with the meaning of subsection (g).

(g) (1) "Disability" means: (A) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(B) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time. For purposes of this subsection "blindness" means central visual acuity of ²⁰/₂₀₀ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of ²⁰/₂₀₀ or less.

(h) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

Sec. 3. K.S.A. 2012 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) Married individuals filing joint returns.

(A) For tax year 2012:

If the taxable income is:.....	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over	\$1,050 plus
\$60,000.....	6.25% of excess over \$30,000

Over \$60,000	\$2,925 plus 6.45% 6.45% of excess over \$60,000
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(B) For tax year 2013, and all tax years thereafter:

If the taxable income is:.....	The tax is:
Not over \$30,000	3.0% of Kansas taxable income
Over \$30,000	\$900 plus 4.9% of excess over \$30,000

(C) For tax years 2014 through 2016:

If the taxable income is:.....	The tax is:
Not over \$30,000	2.9% of Kansas taxable income
Over \$30,000	\$870 plus 4.8% of excess over \$30,000

(D) For tax year 2017:

If the taxable income is:.....	The tax is:
Not over \$30,000	2.9% of Kansas taxable income
Over \$30,000	\$870 plus 3.7% of excess over \$30,000

(E) For tax year 2018, and all tax years thereafter:

If the taxable income is:.....	The tax is:
Not over \$30,000	2.8% of Kansas taxable income
Over \$30,000	\$840 plus 3.3% of excess over \$30,000

(2) All other individuals.

(A) For tax year 2012:

If the taxable income is:.....	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000.....	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000

(B) For tax year 2013, and all tax years thereafter:

If the taxable income is:.....	The tax is:
Not over \$15,000	3.0 % of Kansas taxable income

Over \$15,000	\$450 plus 4.9% of <u>excess over</u> <u>\$15,000</u>
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(C) For tax years 2014 through 2016:

If the taxable income is:.....	The tax is:
Not over \$15,000	2.9% of Kansas <u>taxable income</u>
Over \$15,000	\$435 plus 4.8% of <u>excess over</u> <u>\$15,000</u>

(D) For tax year 2017:

If the taxable income is:.....	The tax is:
Not over \$15,000	2.9% of Kansas <u>taxable income</u>
Over \$15,000	\$435 plus 3.7% of <u>excess over</u> <u>\$15,000</u>

(E) For tax year 2018, and all tax years thereafter:

If the taxable income is:.....	The tax is:
Not over \$15,000	2.8% of Kansas <u>taxable income</u>
Over \$15,000	\$420 plus 3.3% of <u>excess over</u> <u>\$15,000</u>

(b) Nonresident Individuals. A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations*. A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) (A) for tax year 2008, the surtax shall be in an amount equal to 3.1% of the Kansas taxable income of such corporation in excess of \$50,000;

(B) for tax years 2009 and 2010, the surtax shall be in an amount equal to 3.05% of the Kansas taxable income of such corporation in excess of \$50,000; and

(C) for tax year 2011, and all tax years thereafter, the surtax shall be in an amount equal to 3% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries*. A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of section 1, and amendments thereto.

Sec. 4. K.S.A. 2012 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be

equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code. For tax year 1998 through tax year 2012, the standard deduction amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500. For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700. For tax year 2013, and all tax years thereafter, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,000; married filing status, ~~\$9,000~~\$6,500; and head of household filing status, ~~\$9,000~~\$5,000. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.

Sec. 5. K.S.A. 2012 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction.

(1) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 75% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(2) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 70% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(3) For the tax year commencing on January 1, 2015, the Kansas itemized deduction of an individual means 65% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax year commencing on January 1, 2016, the Kansas itemized deduction of an individual means 60% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(5) For the tax year commencing on January 1, 2017, the Kansas itemized deduction of an individual means 55% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(6) For the taxable years commencing on and after January 1, 2018, the Kansas

itemized deduction of an individual means 50% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2012 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

(c) Notwithstanding any provision of this section to the contrary, for taxable years commencing after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto.

Sec. 6. K.S.A. 2012 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, and commencing July 1, 2013, at the rate of ~~5.7%~~6.0%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2012 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for 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, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax

imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c) (3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b) (2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act 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 tax paid as provided by this act. All such 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 of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 7. K.S.A. 2012 Supp. 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited

pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~17.5% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of ~~5.7%~~6.0%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3710, and amendments thereto, is equal to \$53,300,000, but not later than December 31,

2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 8. K.S.A. 2012 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, and commencing July 1, 2013, at the rate of ~~5.7%~~6.0%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 9. K.S.A. 2012 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ 17.5% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of ~~5.7%~~ 6.0%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be

transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3620, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 10. K.S.A. 2012 Supp. 79-32,110, 79-32,119, 79-32,120, 79-3603, 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, 79-3703 and 79-3710 are hereby repealed.;

And by renumbering remaining sections accordingly;

On page 1, in the title, in line 1, by striking the second semicolon; by striking all on lines 2 through 4, and inserting ", rates and deductions; sales tax, rates and distribution of revenue; amending K.S.A. 2012 Supp. 79-32,110, 79-32,119, 79-32,120, 79-3603, 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, 79-3703 and 79-3710 and repealing the existing sections."

A motion by Senator V. Schmidt to further amend **HB 2084** failed and the following amendment was rejected: on page 37, following line 25, by inserting:

"Sec. 4. K.S.A. 2012 Supp. 79-201a, as amended by section 1 of 2013 House Bill No. 2135, is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or

being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than motor vehicles leased for a period of at least one year and property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds

authorized by K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used

exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

Sixth. Property acquired and held by any municipality under the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

Seventh. All property of a municipality, acquired or held under and for the purposes of the urban renewal law, K.S.A. 17-4742 et seq., and amendments thereto, except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

Ninth. All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

Tenth. All property acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism.

Eleventh. The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

Thirteenth. All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 72-4412, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 72-4412, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Twenty-First. All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.

Twenty-Second. All real property, and all tangible personal property, owned by postsecondary educational institutions, as that term is defined in K.S.A. 74-3201b, and amendments thereto, or by the board of regents on behalf of the postsecondary educational institutions, which is leased by a for profit company and is actually and regularly used exclusively for research and development purposes so long as any rental income received by such postsecondary educational institution or the board of regents from such a company is used exclusively for educational or scientific purposes. Any such lease or occupancy described in this section shall be for a term of no more than five years.

Twenty-Third. For all taxable years commencing after December 31, 2005, any and all housing developments and related improvements located on United States department of defense military installations in the state of Kansas, which are developed pursuant to the military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto, and which are provided exclusively or primarily for use by military personnel of the United States and their families.

Twenty-Fourth. For all taxable years commencing after December 31, 2012, except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 2013, under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, and used in any retail enterprise identified

under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2010.;"

And by renumbering sections accordingly;

Also on page 37, in line 26, following "Supp." by inserting "79-201a, as amended by section 1 of 2013 House Bill No. 2135,";

On page 1, in the title, in line 3, following "exemptions;" by inserting "property tax exemption, industrial revenue bond property tax abatement;"; also in line 3, following "Supp." by inserting "79-201a, as amended by section 1 of 2013 House Bill No. 2135,"

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 12; Nays 21; Present and Passing 6; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Olson, Pettey, Pyle, V. Schmidt.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: Emler, Francisco, King, Longbine, Ostmeyer, Wolf.

Absent or Not Voting: Donovan.

The amendment failed.

A motion by Senator Hensley to further amend **HB 2084** failed and the following amendment was rejected: by striking all in "Sec. 3." and inserting:

"Sec. 3. K.S.A. 2012 Supp. 79-32,120 is hereby amended to read as follows: 79-

32,120. (a) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction.

(1) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 75% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(2) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 60% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(3) For the tax year commencing on January 1, 2015, the Kansas itemized deduction of an individual means 45% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax year commencing on January 1, 2016, the Kansas itemized deduction of an individual means 30% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(5) For the tax year commencing on January 1, 2017, the Kansas itemized deduction of an individual means 15% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(6) For the tax years commencing on and after January 1, 2018, the Kansas itemized deduction of an individual means 0% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2012 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

(c) The provisions of this section that provide for a reduction in the total amount of deductions from federal adjusted gross income shall not apply to contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code, and amendments thereto.

(d) Notwithstanding any provision of this section to the contrary, for taxable years commencing after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the amount of wagering losses claimed as an itemized

deduction in section 165(d) of the federal internal revenue code, and amendments thereto.

(e) The provisions of this section that provide for a reduction in the total amount of deductions from federal adjusted gross income shall not apply to contributions that qualify as residential interest paid and allowed as an itemized deduction in section 163 of the federal internal revenue code, and amendments thereto."

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 14; Nays 22; Present and Passing 3; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Petersen, Pettey, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: Emler, Masterson, Ostmeyer.

Absent or Not Voting: Donovan.

The amendment failed.

A motion by Senator Hensley to further amend **HB 2084** failed and the following amendment was rejected: "by striking all in "Sec. 3." and inserting:

"Sec. 3. K.S.A. 2012 Supp. 79-32,120 is hereby amended to read as follows: 79-32,120. (a) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction.

(1) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 75% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(2) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 60% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(3) For the tax year commencing on January 1, 2015, the Kansas itemized deduction of an individual means 45% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax year commencing on January 1, 2016, the Kansas itemized deduction of an individual means 30% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(5) For the tax year commencing on January 1, 2017, the Kansas itemized deduction of an individual means 15% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this

section.

(6) For the tax years commencing on and after January 1, 2018, the Kansas itemized deduction of an individual means 0% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 2012 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

(c) The provisions of this section that provide for a reduction in the total amount of deductions from federal adjusted gross income shall not apply to contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code, and amendments thereto.

(d) Notwithstanding any provision of this section to the contrary, for taxable years commencing after January 1, 2013, the total amount of deductions from federal adjusted gross income shall be reduced by the amount of wagering losses claimed as an itemized deduction in section 165(d) of the federal internal revenue code, and amendments thereto.

(e) The provisions of this section that provide for a reduction in the total amount of deductions from federal adjusted gross income shall not apply to contributions that qualify as state and local, and foreign, real property taxes paid and allowed as an itemized deduction in section 164 of the federal internal revenue code, and amendments thereto."

On roll call, the vote was: Yeas 14; Nays 22; Present and Passing 3; Absent or Not Voting 1.

Yeas: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Petersen, Pettey, Pyle, V. Schmidt, Wolf.

Nays: Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: Emler, Longbine, Ostmeyer.

Absent or Not Voting: Donovan.

The amendment failed.

A motion by Senator Holland to further amend **HB 2084** failed and the following amendment was rejected: "by striking all in "Sec. 5., Sec. 6., Sec. 7. and Sec. 8." and inserting:

"Sec. 5. K.S.A. 2012 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, ~~and commencing July 1, 2013, at the rate of 5.7%.~~ Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an

additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state, except that effective January 1, 2014, the rate on sales of food and food ingredients, and sales of food through vending machines shall be 0.0%, but not including sales of prepared food, which sales shall be at the rate of 6.3%. The following items shall be taxed as sales of food and food ingredients and not as sales of prepared food if sold without eating utensils provided by the seller:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries).

(2) Food sold in an unheated state by weight or volume as a single item.

(3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas.

The sales of substances that are included within the definition of "food and food ingredients," including, but not limited to, "bottled water," "candy," "dietary supplements" and "soft drinks," shall be taxed as the sales of "prepared food" if sold as "prepared food";

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2012 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for 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, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county,

district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501, and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto, but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; and (2) entry

fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e);

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c) (3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b) (2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act 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 tax paid as provided by this act. All such 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 of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible

personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) "residence" shall mean only those enclosures within which individuals customarily live;

(5) "utility structure" shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) "windstorm" shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid

wireless calling service as defined in K.S.A. 2012 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.

Sec. 6. K.S.A. 2012 Supp. 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected

and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ 19.150% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of ~~5.7%~~ 6.3% and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3710, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road

as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 7. K.S.A. 2012 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, ~~and commencing July 1, 2013, at the rate of 5.7%~~ except that effective January 1, 2014 the rate on the consideration paid by the taxpayer for food and food ingredients, and food purchased through vending machines shall be 0.0%, but not including the consideration paid by the taxpayer for prepared food, which rate shall be 6.3%.

(a) The following items shall be taxed as the using, consuming or storing within this state of food and food ingredients and not as the using, consuming or storing within this state of prepared food if sold without eating utensils provided by the seller:

(1) Food sold by a seller whose proper primary NAICS classification is manufacturing in sector 311, except subsector 3118 (bakeries).

(2) Food sold in an unheated state by weight or volume as a single item.

(3) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, doughnuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies and tortillas.

The privilege of using, storing or consuming within this state substances that are included within the definition of "food and food ingredients," including, but not limited to, "bottled water," "candy," "dietary supplements" and "soft drinks," shall be taxed as the privilege of using, storing or consuming within this state "prepared food" if sold as "prepared food."

(b) Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project. All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.

Sec. 8. K.S.A. 2012 Supp. 79-3710 is hereby amended to read as follows: 79-3710. (a) All revenue collected or received by the director 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, less amounts set apart as provided in subsection (b) and amounts credited as provided in subsection (c), (d) and (e), to the credit of the state general fund.

(b) A revolving fund, designated as "compensating tax refund fund" not to exceed \$10,000 shall be set apart and maintained by the director from compensating tax

collections and estimated tax collections and held by the state treasurer for prompt payment of all compensating tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{7}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ 19.150% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of ~~5.7%~~ 6.3% and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire

the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.

This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3620, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations."

Upon the showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 8; Nays 25; Present and Passing 6; Absent or Not Voting 1.

Yeas: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

Nays: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Present and Passing: McGinn, Ostmeyer, Petersen, Pyle, V. Schmidt, Wolf.

Absent or Not Voting: Donovan.

The amendment failed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **HB 2084** was advanced to Final Action and roll call.

HB 2084, AN ACT concerning taxation; relating to income tax credits; community services contributions; sales tax, remittance credits and exemptions; amending K.S.A.

2012 Supp. 79-32,195 and 79-3606 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: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Nays: Emler, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Melcher, Ostmeyer, Pettey, Pyle, V. Schmidt, Wolf.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

Mr. Vice President: **HB 2084** will cut income tax rates to 4.8% in 2013 which will put Kansas' income tax rate lower than Oklahoma's recently passed tax reform. In 2014, it will drop to 4.6% and our state will have the lowest tax rate compared to the surrounding states. I vote aye on **HB 2084** because not only will this allow the state to become competitive regionally, grow jobs, and create economic growth, it will bring much needed relief from food sales tax and income tax to all Kansas families.—TERRY BRUCE

Senators Abrams, Arpke, Holmes, Lynn and Petersen request the record to show that they concur with the "Explanation of Vote" offered by Senator Bruce.

Mr. Vice President: Three years ago I voted for a sales tax increase because I believed it was necessary. My commitment to my constituents was I would not vote to extend the tax. I am honoring that commitment tonight. I vote no.—JAY SCOTT EMLER

Senators Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, and Wolf request the record to show they concur with the "Explanation of Vote" offered by Senator Emler on **HB 2084**.

Mr. Vice President: I vote "No" on **HB 2084**. This bill is an \$824 million tax increase that continues Governor Brownback's irresponsible and unsustainable income tax policies by shifting the tax burden onto Kansas' struggling middle class families.—TOM HOLLAND

Senators Francisco and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Holland on **HB 2084**.

Mr. Vice President: I vote no on **HB 2084**. Having opposed the sales tax increase three years ago, I cannot vote to continue this tax increase beyond the sunset nor can I vote in favor of policy to reverse the standard deduction increases (which I sponsored) passed in last year's tax cut. Both of these policy reversals are harmful to hardworking families' pocketbooks. I have stated many times that revenue is not the problem but rather spending. Last year's tax cut was a real cut and this is a reversal of that policy. While this legislation is arguably a shift towards consumption tax, it is not revenue neutral and therefore does not reduce the size of or the consumption by government—the real consumer who wins with this legislation. It is government consumption that should be taxed by limiting its size, improving efficiency, and eliminating waste— in order to make the tax cuts of last year work. —DENNIS PYLE

Mr. Vice President: MY NO VOTE IS TO HONOR THE COMMITMENT I MADE THREE YEARS AGO. —RALPH OSTMEYER

COMMUNICATION FROM STATE OFFICERS

In accordance with 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, 2010 through December 1, 2011.

Vice President King 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 **SB 246**.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Friday, May 24, 2013.

Journal of the Senate

SIXTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 24, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with thirty-five senators present.

Senators Apple, Donovan, Faust-Goudeau, Haley and Petersen were excused.

Invocation by Father Don Davidson:

O Judge of the nations, we remember before you with grateful hearts the men and women of our country who in the day of decision ventured much for the liberties we now enjoy. Members of our armed forces, officers of the peace, first responders and fire fighters, agents of our national and state investigatory services. Those whose identities may never be known. Grant that we may not rest until all the people of this land share the benefits of true freedom and gladly accept its disciplines. This we ask in the name of our Creator. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Holmes, Abrams, Arpke, Fitzgerald, Knox, LaTurner, Love, Lynn, Masterson, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1767—

A RESOLUTION supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

WHEREAS, American history demonstrates the importance of open and unrestricted religious expression in the military, beginning with General George Washington even before the American founding and then continuing unabated thereafter; and

WHEREAS, The historical and constitutional emphasis on securing the rights of conscience and religious expression are for all citizens and does not exclude those in the military; and

WHEREAS, There is a recent documented trend of increasing hostility from special interests towards religious expressions by military service members and of restrictions on military chaplains, especially toward those of the Judeo-Christian tradition; and

WHEREAS, The Judeo-Christian tradition has been, and continues to be, the majority religion in the U.S.A. and its military; and

WHEREAS, American history has had a two-century policy of friendliness to and

acceptance of faith and religious expression in the military, including its direct support through a professional chaplaincy; and

WHEREAS, The purpose of government is to protect the inalienable rights of every individual, including those in the military; the rights of conscience and religious expression are among those rights which government has a fundamental duty to protect, rather than infringe upon: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we strongly support the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military; and

Be it further resolved: That the Kansas Senate expects its U.S. Legislators to fully support and aggressively defend the rights of religious conscience and the free exercise of the Judeo-Christian tradition in the U.S. Military and support the professional chaplaincy; and

Be it further resolved: That the Kansas Senate expects the Adjutant General of Kansas to fully support and aggressively defend the rights of religious conscience and the free exercise of the Judeo-Christian tradition in the Kansas National Guard and support the professional chaplaincy; and

Be it further resolved: That the Kansas Senate expects civilian and military leaders of the U.S. Military to fully support and aggressively defend the rights of religious conscience and the free exercise of the Judeo-Christian tradition in the U.S. Military and support the professional chaplaincy; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the U.S. legislators representing Kansas, Adjutant General Tapanelli and Secretary of Defense, Chuck Hagel.

On emergency motion of Senator Holmes **SR 1767** was adopted unanimously.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 171** 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.

On motion of Senator Masterson the Senate adopted the conference committee report on **SB 171** and requested a new conference be appointed.

The President appointed Senators Masterson, Denning and Kelly as a fourth Conference Committee on the part of the Senate on **SB 171**.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Bruce as a member of the Conference Committee on **HB 2060** to replace Senator Donovan.

The President announced the appointment of Senator Bruce as a member of the Conference Committee on **HB 2059** to replace Senator Donovan.

The President announced the appointment of Senator Bruce as a member of the Conference Committee on **H Sub for SB 84** to replace Senator Donovan.

REPORT ON ENROLLED BILLS

SB 20 reported correctly enrolled, properly signed and presented to the Governor on May 24, 2013.

SR 1766 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 24, 2013.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Vice President King in the chair.

On motion of Senator Bruce, the Senate adjourned until 11:00 a.m., Tuesday, May 28, 2013.

Journal of the Senate

SIXTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, May 28, 2013, 11:00 p.m.

The Senate was called to order by Vice President Jeff King.

The roll was called with thirty-three senators present.

Senators Abrams, Donovan, Kerschen, Longbine, McGinn, Olson and Smith were excused.

Invocation by Father Don Davidson:

Almighty God you have brought us in safety to this new day. The potential of this day is endless the opportunities mysterious the decisions manifold and the wonders beyond imagination. All of that is possible, all of that is real because you O Lord are with us. Help us never to take your presence for granted or to limit your power by hearing not your guidance. Stay with us until the light fades and the busy world is hushed and there is peace. Then stay with us again until morning comes and we rise in grateful thanksgiving to you once again. Amen

The Pledge of Allegiance was led by Vice President Jeff King.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Bowers introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1769—

A RESOLUTION recognizing the success of the STARBASE program in Kansas.

WHEREAS, The STARBASE program started in 1989 in response to deficiencies and shortfalls in math and science education. Originally, Project STARS was a one-week summer program linking the military and local educational systems where 4th, 5th and 6th graders would learn math and science through hands-on activity; and

WHEREAS, The response to this pilot program was exceptionally positive, and in 1993 Department of Defense funds were made available to start a school-year program, formally launching the STARBASE program. Kansas was one of seven original states to receive funding for the STARBASE program; and

WHEREAS, The Kansas STARBASE program is the largest in the United States with five locations in Wichita, Topeka, Salina, Manhattan and Kansas City. The program has teamed up with western Kansas community colleges and universities to ensure all students have access to this exceptional and unique program; and

WHEREAS, STARBASE has worked with over 50,000 Kansas students to increase their knowledge and create an interest in the areas of math, science, engineering and

technology. Along with the academic focus, STARBASE also works to instill a sense of pride and personal accomplishment in the students who have attended the academy. When asked about their experience at STARBASE, 96% of students said STARBASE made learning fun, and 91% said they would like to go back to STARBASE; and

WHEREAS, The success of the STARBASE program is due to the great relationship between the military and local schools as the result of the Department of Defense's management of the program: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize the success the STARBASE program has seen in Kansas. The STARBASE program has had a significant impact on Kansas students, and we hope to see continued success of the program; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Bowers.

On emergency motion of Senator Bowers **SR 1769** was adopted unanimously.

Senator Bowers introduced Lt. Matt Lucht and Jeff Gabriel.

The Senators rose for a standing ovation.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **H Sub for SB 84**, and has appointed Representatives Carlson, Siegfried and Menghini as second conferees on the part of the House.

The House announces the appointment of Rep. Schwab to replace Rep. Siegfried as a conferee on **HB 2059**.

The House announced the appointment of Rep. Schwab to replace Rep. Siegfried as a conferee on **HB 2060**.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub for SB 84**.

CONFERENCE COMMITTEE REPORTS

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H Sub for SB 84** 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.

On motion of Senator Tyson, the Senate adopted the conference committee report on **H Sub for SB 84**, and requested a new conference be appointed.

The Vice President appointed Senators Tyson, Bruce and Hensley as a second Conference Committee on the part of the Senate on **H Sub for SB 84**.

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senator Holland as a member of the Conference Committee on **H Sub for SB 84** to replace Senator Hensley.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met, pursuant to recess, with President Wagle in the chair.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Wednesday, May 29, 2013.

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, May 29, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-four senators present.
Senators Bowers, Donovan, Haley, Masterson, Melcher and Petersen were excused.
Invocation by Father Don Davidson:

Creator God, we pause in humble acceptance of the power of nature. Over the last few days storms have caused significant damage to the property and well being of our fellow Kansas Citizens. Many counties and communities were affected. We are awestruck when looking at the destruction. This morning we pray for the resilient families and communities where the storms fury was felt. We hope that neighbors and friends will share and care and help pick up the pieces. And Dear God we pray for peace in their hearts in the knowing that they are not alone. For yours is the majesty and the power. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGE FROM THE GOVERNOR

May 24, 2013

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 13-01 for your information.

SAM BROWNBACK
Governor of Kansas

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 not adopts the conference committee report on **H Sub for SB 84** and appoints Reps. Carlson, Schwab and Menghini as third conferees.

Announcing the appointment of Rep. Lane to replace Rep. Burroughs as a conferee on **HB 2216**.

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **H Sub for SB 84**.

The President appointed Senators Tyson, Bruce and Holland as third conferees on the part of the Senate.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Thursday, May 30, 2013.

Journal of the Senate

SEVENTIETH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 30, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-seven senators present.
Senators Donovan, Emler and Haley were excused.
Invocation by Father Don Davidson:

O God, you made us in your own image: Look with compassion on the whole human family; take away the arrogance and hatred which infect our hearts; break down the walls that separate us; unite us in bonds of love, respect and understanding; and work through our struggle and confusion to accomplish your purposes on earth; that, in your good time, we may serve you in harmony around your heavenly throne; in your Holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

MESSAGE FROM THE GOVERNOR

To the Senate of the State of Kansas

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Governor

Member, Kansas Racing and Gaming Commission, Timothy Shultz (R), Topeka, pursuant to the authority vested in me by the KSA 74-8803 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2017.

Member, State Civil Service Board, Susan Christopher (D), Olathe, pursuant to the authority vested in me by the KSA 75-2929(a) effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hawk, Abrams, Hensley, Kerschen, Knox and Tyson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1768—

A RESOLUTION congratulating Kansas State University on a successful year in inter-collegiate athletics.

WHEREAS, The Kansas State University Athletic Department has had unprecedented success this year with several major accomplishments including Big XII Title Championships and Big XII Coach of the Year awards in football, men's basketball and baseball; and

WHEREAS, The 2012 Kansas State Wildcats football team captured the Big XII Title with a record of 11-2 and a conference record of 8-1. The successful Wildcat football season ended in an invitation to the Tostito's Fiesta Bowl. Head Coach Bill Snyder was named the Big XII Coach of the Year and under his direction, the Wildcats had their first ever No. 1 ranking in the BCS standings; and

WHEREAS, The 2012-2013 Kansas State men's basketball team won their first Big XII Conference Title in 36 years. Under Head Coach Bruce Weber, the Wildcats had an impressive 27-8 record overall and a 14-4 record in the Big XII Conference. Coach Weber was named this year's Big XII Coach of the Year after guiding the Wildcats through such a successful season; and

WHEREAS, The Kansas State baseball team was also named Big XII Conference champions this year. While the team's season is not yet over, they captured the Big XII Championship with an overall record of 36-19 and a conference record of 16-8. Head Coach Brad Hill was named Big XII Coach of the Year, making him the third coach from Kansas State University to win that award for the academic year; and

WHEREAS, Kansas State University is the first school in league history to have its football, men's basketball and baseball coaches all win the Big XII Coach of the Year award in the same academic year. This is also only the second time in league history that the same school won the Big XII Conference Title in football, men's basketball and baseball: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Kansas State University on its extraordinary inter-collegiate athletic success this year. This is an historic year for Kansas State Athletics, and we congratulate the school's accomplishments and wish them future success; and

Be it further resolved: That the Secretary of the Senate be directed to provide eight enrolled copies of this resolution to Senator Hawk.

On emergency motion of Senator Hawk **SR 1768** was adopted unanimously.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT AND MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2216** agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

On motion of Senator Masterson the Senate adopted the conference committee report on **HB 2216**, and requested a new conference be appointed.

The Vice President appointed Senators Masterson, Denning and Kelly as a second Conference Committee on the part of the Senate on **HB 2216**.

On motion of Senator Bruce, the Senate was recessed until 2:30 p.m.

The Senate met, pursuant to recess with Vice President King in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **HB 2216**, and has appointed Representatives DeGraaf, Howell and Lane as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT AND MR. SPEAKER: Your committee on conference on Senate amendments to **H Sub for SB 84** agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

On motion of Senator Tyson the Senate adopted the conference committee report on **H Sub for SB 84**, and requested a new conference committee be appointed.

The President appointed Senators Tyson, Bruce and Holland as a fourth Conference Committee on the part of the Senate on **H Sub for SB 84**.

On motion of Senator Bruce, the Senate recessed until 4:30 p.m.

The Senate met, pursuant to recess with Vice President King in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **H Sub for SB 84**, and has appointed Representatives Carlson, Schwab and Menghini as fourth conferees on the part of the House.

CHANGE OF CONFEREES

Under the authority of the President, Vice President King announced the replacement of Senators King, Smith and Haley with Senators Tyson, Bruce and Holland as members of the Conference Committee on **SB 63**.

Under the authority of the President, Vice President King announced the replacement of Senators Love, Kerschen and Francisco with Senators King, Smith and Haley as members of the Conference Committee on **HB 2049**.

On motion of Senator Bruce, the Senate adjourned until 10:30 a.m., Friday, May 31, 2013.

Journal of the Senate

SEVENTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 31, 2013, 10:30 a.m.

The Senate was called to order by Vice President Jeff King.
The roll was called with thirty-eight senators present.
Senators Donovan and Emler were excused.
Invocation by Father Don Davidson:

Good and gracious Lord God we thank you as we begin this new day. Help us today with all of our worries and concerns to think of ways in which to be thankful for your presence and loving care. Thank you Lord for places to sleep and eat and people who love us, and be with those who are not sure where they will sleep this night or at what table they will eat. Thank you Lord for our health and help those who are ill. Thank you Lord for our minds and ability to think and help us to use that gift to your glory. In all that happens this day, help us Lord to be thankful. In your Holy Name, Amen

The Pledge of Allegiance was led by Vice President Jeff King.

REFERENCE OF APPOINTMENTS

The following appointments made by the Governor and submitted to the Senate for confirmation, were referred to Committee as indicated:

By the Governor:

Member, State Civil Service Board:

Sue Christopher, to serve a four year term to expire March 15, 2017.
(Federal and State Affairs)

By the Governor:

Member, Kansas Racing and Gaming Commission:

Timothy Shultz, to serve a four year term to expire January 15, 2017.
(Federal and State Affairs)

MESSAGE FROM THE HOUSE

The House not adopts the Conference Committee report on **H Sub for SB 84**, requests a conference and appoints Representatives Carlson, Schwab and Menghini as fifth conferees on the part of the House.

On motion of Senator Bruce, the Senate recessed until 2:30 p.m.

The Senate met, pursuant to recess, with Vice President King in the chair.

ORIGINAL MOTION

On motion of Senator Tyson, the Senate acceded to the request of the House for a conference on **H Sub for SB 84**.

The Vice President appointed Senators Tyson, Bruce and Holland as fifth conferees on the part of the Senate.

On motion of Senator Bruce, the Senate recessed until 4:00 p.m.

The Senate met, pursuant to recess, with President Wagle in the chair.

MESSAGE FROM THE GOVERNOR

SB 20 approved on May 30, 2013.

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met, pursuant to recess, with Vice President King in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2391**, 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. 2391," as follows:

"Senate Substitute for HOUSE BILL No. 2391

By Committee on Ways and Means

"AN ACT concerning education; creating the joint committee on uniform educational standards oversight; amending K.S.A. 2012 Supp. 72-6439 and 72-7535 and repealing the existing sections."; and the substitute bill be passed.

REPORT ON ENROLLED BILLS

SB 246 reported correctly enrolled, properly signed and presented to the Governor on May 31, 2013.

SR 1767, SR 1768, SR 1769 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 31, 2013.

On motion of Senator Smith, the Senate adjourned until 10:30 a.m., Saturday, June 1, 2013.

Journal of the Senate

SEVENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Saturday, June 1, 2013, 10:30 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-seven senators present.
Senators Donovan, Emler and Holmes were excused.
Invocation by Father Don Davidson:

Eternal God, in whose perfect kingdom no sword is drawn but the sword of righteousness, no strength known but the strength of love: Help us to not only hear the words but see the hearts of those with whom we converse, as we look into the others eyes help us to see the light of your presence and creative spirit. Dear Lord, may you so mightily spread abroad that Spirit, that all peoples may be gathered under the banner of the Prince of Peace, as children of one Father; to whom be dominion and glory, now and for ever. Amen

The Pledge of Allegiance was led by President Susan Wagle.
On motion of Senator Bruce, the Senate recessed until 2:00 p.m.

The Senate met, pursuant to recess, with Vice President King in the chair.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2216** 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 62, by striking all in lines 7 through 43;

By striking all on pages 63 and 64;

On page 65, by striking all in lines 1 through 30;

And by renumbering sections accordingly;

On page 68, in line 38, by striking "45-229,";

On page 1, in the title, in line 4, by striking "45-229,"

And your committee on conference recommends the adoption of this report.

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

PETE DEGRAAF

JIM HOWELL

HAROLD LANE

Conferees on part of House

Senator Masterson moved the Senate adopt the Conference Committee Report on **HB 2216**.

On roll call, the vote was: Yeas 32; Nays 5; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Hawk, Hensley, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Holland, McGinn.

Absent or Not Voting: Donovan, Emler, Holmes.

The Conference Committee Report was adopted.

EXPLANATION OF VOTE

Mr. Vice-President: I vote NO on the conference committee report on **HB 2216**. I repeat my previous arguments that joint committees provide opportunities for more thorough discussion of issues and for legislators from the House and Senate to work together. I want to add the argument that if the goal is to reduce expenditures, we might be able to have fewer full legislative days if proposals can be vetted in interim committees before the regular session begins. It was said that not all of the current committees are needed, yet this same afternoon that we are voting to eliminate the Legislative Educational Planning Committee, we are considering a bill that creates a new committee to review the common core standards. That issue is one that the Legislative Educational Planning Committee should have been asked to review. —

MARCI FRANCISCO

Senator Faust-Goudeau requests the record to show that she concurs with the "Explanation of Vote" offered by Senator Francisco on **S Sub for HB 2216**.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your 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:

Kansas racing and gaming commission member: KSA. 74-8803

Timothy Shultz, term expires January 15, 2017

State civil service board member: KSA 75-2929a

Susan Christopher, term expires March 15, 2017

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub for HB 2391**.

COMMITTEE OF THE WHOLE

On motion of Senator Bruce, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Apple in the chair.

On motion of Senator Apple the following report was adopted:

The committee report on **S Sub for HB 2391** recommending **S Sub for HB 2391** be adopted, and **S Sub for HB 2391** be passed as amended.

S Sub for HB 2391 be amended by motion of Senator Abrams, on page 1, in line 16, by striking "subsection" and inserting "section". The amendment was adopted.

S Sub for HB 2391 be further amended by motion of Senator Francisco:, on page 1, in line 16, by striking "subsection," and inserting "section:

(1)";

Also on page 1, in line 18, by striking the period and inserting "; and

(2) "uniform educational standards" means a set of educational standards for grades kindergarten through 12 established by a consortium of governmental entities, or by one or more other organizations, that are uniformly adopted by two or more states.";

On page 3, in line 40, by striking the comma and inserting ": (A)"; in line 42, by striking the period and inserting "; and

(B) "uniform educational standards" means a set of educational standards for grades kindergarten through 12 established by a consortium of governmental entities, or by one or more other organizations, that are uniformly adopted by two or more states."

The amendment was adopted.

A motion by Senator Francisco to amend **S Sub for HB 2391** failed and the following amendment was rejected: on page 1, in line 12, by striking "the first day of the 2013 legislative session" and inserting "May 23, 2013"; in line 16, by striking "subsection" and inserting "section";

On page 3, in line 11, by striking "the first day of the 2013 legislative session" and inserting "May 23, 2013"; in line 38, by striking all after "to"; in line 39, by striking "session" and inserting "May 23, 2013."

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce an emergency was declared by a 2/3 constitutional majority, and **S Sub for HB 2391** was advanced to Final Action and roll call.

S Sub for HB 2391, AN ACT concerning education; creating the joint committee on uniform educational standards oversight; amending K.S.A. 2012 Supp. 72-6439 and 72-7535 and repealing the existing sections.

On roll call, the vote was: Yeas 24; Nays 12; Present and Passing 1; Absent or Not Voting 3.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, King, Knox, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Longbine, McGinn, Pettey, V. Schmidt, Wolf.

Present and Passing: Kerschen.

Absent or Not Voting: Donovan, Emler, Holmes.

The substitute bill passed, as amended.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following conference committee report: **HB 2059**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate Amendments to **HB 2059** agrees to disagree and recommends that a new conference committee be appointed.

On motion of Senator Tyson the Senate adopted the conference committee report on **HB 2059** and requested a new conference be appointed.

The Vice President appointed Senators Tyson, Bruce and Holland as a second Conference Committee on the part of the Senate on **HB 2059**.

ORIGINAL MOTION

Pursuant to Rule 40 of the Kansas Senate, Senator Bruce moved to re-open the roll on the adoption of Conference Committee Report for **HB 2216**, allowing an additional vote to be recorded. Motion adopted with unanimous consent. [See roll call vote above for **HB 2216**, which reflects this vote.]

On motion of Senator Bruce, the Senate stood at ease.

The Senate reconvened with Vice President King in the chair.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following conference committee report: **HB 2049**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate Amendments to **HB 2049** agrees to disagree and recommends that a new conference committee be appointed.

On motion of Senator Smith the Senate adopted the conference committee report on **HB 2049** and requested a new conference be appointed.

The Vice President appointed Senators King, Smith and Haley as a second Conference Committee on the part of the Senate on **HB 2049**.

On motion of Senator Love, the Senate recessed until 8:30.

The Senate met, pursuant to recess, with Vice President King in the chair.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report on **H Sub SB 171**.

The House adopts the Conference Committee report to agree to disagree on **HB**

2059, and has appointed Representatives Carlson, Schwab and Menghini as second conferees on the part of the House.

The House announced the appointment of Reps. Kinzer, Bruchman and Pauls to replace Reps. Schwartz, Hoffman and Victors.as conferees on **HB 2049**.

The House adopts the Conference Committee report to agree to disagree on **HB 2049**, and has appointed Representatives Kinzer, Bruchman and Pauls as second conferees on the part of the House.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2059**.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2059** 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 follows: On page 1, by striking all in lines 11 through 32;

By striking all on pages 2 through 19;

On page 20, by striking all in lines 1 through 19; in line 39, by striking "years 2014 and 2015" and inserting "year 2014"; in line 41 by striking "2.5%" and inserting "2.7%"; in line 42, by striking "\$750" and inserting "\$810"; also in line 42, by striking "4.9%" and inserting "4.8%";

On page 21, in line 1, by striking "2016" and inserting "2015"; in line 3, by striking "1.9%" and inserting "2.7%"; in line 4, by striking "\$570" and inserting "\$810"; also in line 4, by striking "4.9%" and inserting "4.6%"; in line 6, by striking "2017, and all tax years thereafter" and inserting "2016"; in line 8, by striking "1.9%" and inserting "2.4%"; in line 9, by striking "\$570" and inserting "\$720"; also in line 9, by striking "3.5%" and inserting "4.6%"; following line 10, by inserting:

"(F) For tax year 2017:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.3% of Kansas taxable income
Over \$30,000.....	\$690 plus 4.6% of excess over \$30,000

(G) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.3% of Kansas taxable income
Over \$30,000.....	\$690 plus 3.9% of excess over \$30,000";

Also on page 21, in line 25, by striking "years 2014 and 2015" and inserting "year 2014"; in line 27, by striking "2.5%" and inserting "2.7%"; in line 28, by striking "\$375" and inserting "\$405"; also in line 28, by striking "4.9%" and inserting "4.8%"; in line 30, by striking "2016" and inserting "2015"; in line 32, by striking "1.9%" and inserting "2.7%"; in line 33, by striking "\$285" and inserting "\$405"; also in line 33, by striking "4.9%" and inserting "4.6%"; in line 35, by striking "2017, and all tax years thereafter" and inserting "2016"; in line 37, by striking "1.9%" and inserting "2.4%"; in

line 38, by striking "\$285" and inserting "\$360"; also in line 38, by striking "3.5%" and inserting "4.6%"; following line 39, by inserting:

"(F) For tax year 2017:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.3% of Kansas taxable income
Over \$15,000.....	\$345 plus 4.6% of excess over \$15,000

(G) For tax year 2018, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000.....	2.3% of Kansas taxable income
Over \$15,000.....	\$345 plus 3.9% of excess over \$15,000";

On page 22, following line 19, by inserting "(e) Tax rates provided in this section shall be adjusted pursuant to the provisions of section 6, and amendments thereto."; in line 20, before "July" by inserting "On"; in line 21, before "If" by inserting "(1)"; in line 25, following "deduction." by inserting:

"(2) For the tax year commencing on January 1, 2013,";

Also on page 22, also in line 25, following "means" by inserting "70% of"; following line 29, by inserting:

"(3) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 65% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax year commencing on January 1, 2015, the Kansas itemized deduction of an individual means 60% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(5) For the tax year commencing on January 1, 2016, the Kansas itemized deduction of an individual means 55% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(6) For tax years commencing on and after January 1, 2017, the Kansas itemized deduction of an individual means 50% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.";

Also on page 22, by striking all in line 40;

On page 23, by striking all in lines 10 through 36; in line 37, by striking "(e)" and inserting "(c)"; in line 42, by striking "(f)" and inserting "(d)";

On page 24, in line 9, by striking "6.3%" and inserting "6.15%";

On page 29, in line 25, by striking "6.3%" and inserting "6.15%";

On page 31, in line 5, by striking "16.67%" and inserting "17.073%"; in line 7, by striking "6.3%" and inserting "6.15%";

On page 32, by striking all in lines 14 through 43;

On page 33, by striking all in lines 1 through 36; following line 36, by inserting:

"New Sec. 6. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year 2018, in any fiscal year in which the amount of selected actual state general fund receipts from such fiscal year exceeds the selected actual state general fund receipts for the immediately preceding fiscal year by more than 2%, the director of legislative research shall certify such excess amount to the secretary of revenue and the director of the budget. Upon receipt of such certified amount, the secretary shall compute the excess percentage increase in selected actual state general fund receipts above 2%. Based on such excess percentage of calculated receipt growth, the secretary shall compute the income tax rate reductions to go into effect for the next tax year that would reduce by such certified amount the tax rates during the fiscal year after the next fiscal year according to the provisions of this section, as follows: (A) Rate reductions for individual income tax rates shall be applied to reduce the highest marginal income tax rate applicable to the current tax year, by such excess percentage minus 0.5%, and the lowest marginal income tax rate applicable to the current tax year by such excess percentage plus 0.5%, except that in no case shall such excess percentage plus 0.5% result in an income tax rate increase. In any such computation by the secretary pursuant to this subsection: (i) The resulting income tax rate shall be rounded down to the nearest 0.1%; and (ii) in any case in which the income tax rate for any individual marginal income tax rate is below 0.4%, such rate shall be 0%. Based on all such determinations, the secretary shall reduce individual income tax rates prescribed by K.S.A. 79-32,110, and amendments thereto, as required by this section;

(B) upon all individual marginal income tax rates being reduced to 0% pursuant to the provisions of subsection (a)(1)(A), rate reduction next shall be applied for the surtax on corporations applicable to the current tax year by such excess percentage. In any such computation by the secretary pursuant to this subsection in which the surtax is below 0.4%, such surtax rate shall be 0%. Based on such determination, the secretary shall reduce the surtax on corporations prescribed by K.S.A. 79-32,110, and amendments thereto, as required by this section; and

(C) upon the surtax on corporations being reduced to a rate which when combined with the normal tax rate on corporations is equal to or below the combined surtax and normal tax imposed on national banking associations and state banks or is equal to or below the combined surtax and normal tax imposed on trust companies and savings and loan associations, rate reductions shall be proportionately applied for the tax on corporations, the tax on national banking associations and state banks, and the tax on trust companies and savings and loan associations. Such rate reductions shall be first applied to the surtax until reduced to 0% and then applied to the normal tax for each such tax. In any such computation by the secretary pursuant to this subsection in which any such tax is below 0.4%, such tax rate shall be 0%. Based on such determination, the secretary shall reduce the surtax and the normal tax on corporations prescribed by K.S.A. 79-32,110, and amendments thereto, the surtax and normal tax on national banking associations and state banks prescribed by K.S.A. 79-1107, and amendments thereto, and the surtax and normal tax on trust companies and savings and loan associations prescribed by K.S.A. 79-1108, and amendments thereto, as required by this section.

(2) In any fiscal year in which the amount of selected actual state general fund receipts for such fiscal year are 102% or less than the selected actual state general fund

receipts from the immediately preceding fiscal year, the director of legislative research shall certify such amount and fact to the secretary of revenue and the director of the budget. Upon receipt of such amount and fact, the secretary of revenue shall not make any adjustment to the income tax rates for that tax year.

(b) The secretary of revenue shall report any reduction in income tax rates prescribed by this section to the chairperson of the assessment and taxation committee of the senate, the chairperson of the taxation committee of the house of representatives and the governor, and shall cause notice of any such reduction to be published in the Kansas register prior to September 15 of the calendar year immediately preceding the tax year in which such reduction takes effect.

(c) As used in this section, "selected actual state general fund receipts" means receipts from the following taxes and fees: Individual and corporation income taxes imposed under K.S.A. 79-32,110, and amendments thereto, financial institutions privilege taxes imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, retail sales taxes imposed under K.S.A. 79-3601 et seq., and amendments thereto, compensating use taxes imposed under K.S.A. 79-3701 et seq., and amendments thereto, cigarette and tobacco product taxes imposed under K.S.A. 79-3301 et seq., and amendments thereto, cereal malt beverage and liquor gallonage taxes imposed under K.S.A. 41-501 et seq., and amendments thereto, liquor enforcement taxes imposed under K.S.A. 79-4101 et seq., and amendments thereto, liquor drink taxes imposed under K.S.A. 79-41a01 et seq., and amendments thereto, corporation franchise taxes imposed under K.S.A. 79-5401, and amendments thereto, annual franchise fees charged pursuant to law and mineral severance taxes imposed under K.S.A. 79-4216 et seq., and amendments thereto.

New Sec. 7. (a) For any taxable year commencing after December 31, 2012, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual income taxpayer who purchased food in this state, had federal adjusted gross income for the tax year that did not exceed \$30,615, and meets the qualifications in subsections (b) and (c).

(b) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer and the taxpayer's spouse if married filing jointly, must be domiciled in this state. For purposes of this credit, "domicile" shall not include any correctional facility, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau of prisons located in the state of Kansas, or any city or county jail facility in the state of Kansas.

(c) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer or the taxpayer's spouse if married filing jointly, must be either: (1) A person having a disability, regardless of age; (2) a person without a disability who is 55 years of age or older; or (3) a person without a disability who is younger than 55 years of age who claims an exemption for one or more dependent children under 18 years of age.

(d) The amount of the credit shall be \$125 for every exemption claimed on the taxpayer's federal income tax return, except that no exemption shall be counted for a dependent unless the dependent is a child under 18 years of age.

(e) The credit allowed under this provision shall be applied against the taxpayer's

income tax liability after all other credits allowed under the income tax act. It shall not be refundable and may not be carried forward.

(f) (1) Every taxpayer claiming the credit shall supply the division in support of a claim, reasonable proof of domicile, age and disability.

(2) A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability as defined in subsection (g).

(g) "Disability" means: (1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of this paragraph, with respect to any individual, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; and "physical or mental impairment" means an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time. For purposes of this paragraph "blindness" means central visual acuity of $\frac{20}{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $\frac{20}{200}$ or less.

(h) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this section.

New Sec. 8. (a) As used in this section:

(1) "Destroyed or substantially destroyed" means damage of any origin sustained by a homestead as the direct result of an earthquake, flood, tornado, fire, storm or other event or occurrence which the governor of the state of Kansas has declared a disaster, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

(2) "Homestead" means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. "Owned" includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(3) "Public or private buyout" means any buyout from a local, state or federal

governmental entity or any non-governmental entity, including, but not limited to, an individual, foundation, trust, association, corporation, limited liability company or partnership.

(b) The owner of any homestead listed and assessed for property taxation purposes which was destroyed or substantially destroyed due to an earthquake, flood, tornado, fire, storm, or other event or occurrence which the governor of the state of Kansas has declared a disaster may make application to the board of county commissioners of the county in which such property is located for the abatement of property taxes levied upon such homestead or for a credit against property taxes payable by such owner, as permitted by this section.

(1) If such homestead has been so destroyed or substantially destroyed after January 1 of a particular year but prior to August 15 of such year, the owner of such homestead may make application to such board of county commissioners for the abatement of property taxes levied upon such homestead, or if such property taxes have been paid or partially paid, may make application for the granting of a credit against property taxes payable by such owner during any or all of the next succeeding three taxable years.

(2) If such homestead has been so destroyed or substantially destroyed on or after August 15 of a particular year but prior to January 1 of the next succeeding year, the owner of such homestead may make application to such board of county commissioners for the granting of a credit against property taxes payable by such owner during any or all of the next succeeding three taxable years.

(c) An application for relief as permitted by subsection (b) may be made for abatement of property taxes assessed but not yet paid, or for a grant of a credit for assessed property taxes paid or for both, as the case may be, and may be made on or before December 20 of the year next succeeding the year for which such taxes have been assessed.

(d) Upon receipt of any such application, subject to budgetary restraints of the county or taxing subdivision arising from the event or occurrence declared a disaster by the governor, the board of county commissioners shall inquire into and make findings regarding, among other things, whether the property is a homestead, as defined in subsection (a), whether the homestead was destroyed or substantially destroyed, as defined in subsection (a) and the assessed valuation thereof. If it is determined that an owner of such homestead is entitled to an abatement of all or any portion of the property taxes levied against such homestead or is entitled to a credit against property taxes payable by such owner in any or all of the next succeeding three years, the board may issue an order so providing.

(e) The board shall not grant an application for relief by an owner who is a recipient of funds from either a public or private buyout or insurance proceeds, which, as the case may be, are of an amount equal to or greater than 50% of the entire pre-disaster value of the homestead which was destroyed or substantially destroyed.

(f) The county clerk and county treasurer shall in each case of abatement or credit correct their records in accordance therewith and the county clerk shall notify the governing body of any taxing district affected thereby.

(g) The provisions of this section shall be applicable to all taxable years commencing after December 31, 2011, and ending before January 1, 2014.

Sec. 9. K.S.A. 2012 Supp. 74-50,222 is hereby amended to read as follows: 74-

50,222. As used in K.S.A. 74-50,222, 74-50,223 and 79-32,267, and amendments thereto:

(a) "Institution of higher education" means a public or private nonprofit educational institution that meets the requirements of participation in programs under the higher education act of 1965, as amended, 34 C.F.R. § 600;

(b) "rural opportunity zone" means Allen, Anderson, Barber, Bourbon, Brown, Chase, Chautauqua, Cheyenne, Clark, Clay, Cloud, Coffey, Comanche, Decatur, Doniphan, Edwards, Elk, Ellsworth, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Haskell, Hodgeman, Jackson, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Linn, Logan, Marion, Marshall, Meade, Mitchell, Morris, Morton, Nemaha, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Republic, Rice, Rooks, Rush, Russell, Scott, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Trego, Thomas, Wabaunsee, Wallace, Washington, Wichita, Wilson or Woodson counties;

(c) "secretary" means the secretary of commerce; and

(d) "student loan" means a federal student loan program supported by the federal government and a nonfederal loan issued by a lender such as a bank, savings and loan or credit union to help students and parents pay school expenses for attendance at an institution of higher education.

Sec. 10. On July 1, 2013, K.S.A. 2012 Supp. 79-201a, as amended by section 1 of 2013 House Bill No. 2135, is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or

portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than motor vehicles leased for a period of at least one year and property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 through 12-1749, and amendments thereto, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, and amendments thereto, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, and amendments thereto, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to 13-1245, inclusive, and amendments thereto, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay

all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

Sixth. Property acquired and held by any municipality under the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

Seventh. All property of a municipality, acquired or held under and for the purposes

of the urban renewal law, K.S.A. 17-4742 et seq., and amendments thereto, except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

Ninth. All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

Tenth. All property acquired and used for state park purposes by the Kansas department of wildlife, parks and tourism.

Eleventh. The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

Thirteenth. All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 72-4412, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 72-4412, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Twenty-First. All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.

Twenty-Second. All real property, and all tangible personal property, owned by postsecondary educational institutions, as that term is defined in K.S.A. 74-3201b, and amendments thereto, or by the board of regents on behalf of the postsecondary educational institutions, which is leased by a for profit company and is actually and regularly used exclusively for research and development purposes so long as any rental income received by such postsecondary educational institution or the board of regents from such a company is used exclusively for educational or scientific purposes. Any such lease or occupancy described in this section shall be for a term of no more than five years.

Twenty-Third. For all taxable years commencing after December 31, 2005, any and all housing developments and related improvements located on United States department of defense military installations in the state of Kansas, which are developed pursuant to the military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any successor thereto, and which are provided exclusively or primarily for use by military personnel of the United States and their families.

Twenty-Fourth. For all taxable years commencing after December 31, 2012, except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 2013, under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, and used in any retail enterprise identified under NAICS sectors 44 and 45, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "NAICS" means the North American industry classification system, as developed under the authority of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., and amendments thereto, shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all

or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903, and amendments thereto, shall not be exempt from such taxation.

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2010.

Sec. 11. On July 1, 2013, K.S.A. 2012 Supp. 79-32,119 is hereby amended to read as follows: 79-32,119. The Kansas standard deduction of an individual, including a husband and wife who are either both residents or who file a joint return as if both were residents, shall be equal to the sum of the standard deduction amount allowed pursuant to this section, and the additional standard deduction amount allowed pursuant to this section for each such deduction allowable to such individual or to such husband and wife under the federal internal revenue code. For tax year 1998 through tax year 2012, the standard deduction amount shall be as follows: Single individual filing status, \$3,000; married filing status, \$6,000; and head of household filing status, \$4,500. For tax year 1998, and all tax years thereafter, the additional standard deduction amount shall be as follows: Single individual and head of household filing status, \$850; and married filing status, \$700. For tax year 2013, and all tax years thereafter, the standard deduction amount of an individual, including husband and wife who are either both residents or who file a joint return as if both were residents, shall be as follows: Single individual filing status, \$3,000; married filing status, ~~\$9,000~~ \$7,500; and head of household filing status, ~~\$9,000~~ \$5,500. For purposes of the foregoing, the federal standard deduction allowable to a husband and wife filing separate Kansas income tax returns shall be determined on the basis that separate federal returns were filed, and the federal standard deduction of a husband and wife filing a joint Kansas income tax return shall be determined on the basis that a joint federal income tax return was filed.

Sec. 12. On July 1, 2013, K.S.A. 2012 Supp. 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, is hereby amended to read as follows: 79-3620. (a) All revenue collected or received by the director of taxation from the taxes imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, less amounts withheld as provided in subsection (b) and amounts credited as provided in subsections (c), (d) and (e), to the credit of the state general fund.

(b) A refund fund, designated as "sales tax refund fund" not to exceed \$100,000 shall be set apart and maintained by the director from sales tax collections and estimated tax collections and held by the state treasurer for prompt payment of all sales tax refunds. Such fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act. In the event such fund as established by this section is, at any time, insufficient

to provide for the payment of refunds due claimants thereof, the director shall certify the amount of additional funds required to the director of accounts and reports who shall promptly transfer the required amount from the state general fund to the sales tax refund fund, and notify the state treasurer, who shall make proper entry in the records.

(c) (1) The state treasurer shall credit $\frac{5}{98}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 4.9%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(2) The state treasurer shall credit $\frac{5}{106}$ of the revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided in subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(3) On July 1, 2006, the state treasurer shall credit $\frac{19}{265}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(4) On July 1, 2007, the state treasurer shall credit $\frac{13}{106}$ of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(5) On July 1, 2010, the state treasurer shall credit 11.427% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(6) On July 1, 2011, the state treasurer shall credit 11.26% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, ~~as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.~~

(8) On July 1, 2013, and thereafter, the state treasurer shall credit ~~18.421%~~ 17.073% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of ~~5.7%~~ 6.15%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.

(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3603, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a STAR bond project district occupied by a STAR bond project or taxpayers doing business with such entity financed by a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state or the project was designated as a STAR bond project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, to the city bond finance fund, which fund is hereby created. The

provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3710, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such STAR bond project.

(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to law. The provisions of this subsection shall take effect upon certification by the secretary of transportation that a notice to proceed has been received for the construction of the improvements within the intermodal facility district, but not later than December 31, 2010, and shall expire when the secretary of revenue determines that the total of all amounts credited hereunder and pursuant to subsection (e) of K.S.A. 79-3710, and amendments thereto, is equal to \$53,300,000, but not later than December 31, 2045. Thereafter, all revenues shall be collected and distributed in accordance with applicable law. For all tax reporting periods during which the provisions of this subsection are in effect, none of the exemptions contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply to the sale or furnishing of any gas, water, electricity and heat for use or consumption within the intermodal facility district. As used in this subsection, "intermodal facility district" shall consist of an intermodal transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and amendments thereto, located in Johnson county within the polygonal-shaped area having Waverly Road as the eastern boundary, 191st Street as the southern boundary, Four Corners Road as the western boundary, and Highway 56 as the northern boundary, and the polygonal-shaped area having Poplar Road as the eastern boundary, 183rd Street as the southern boundary, Waverly Road as the western boundary, and the BNSF mainline track as the northern boundary, that includes capital investment in an amount exceeding \$150 million for the construction of an intermodal facility to handle the transfer, storage and distribution of freight through railway and trucking operations.

Sec. 13. K.S.A. 2012 Supp. 79-4216 is hereby amended to read as follows: 79-4216. As used in this act, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them herein:

(a) "Barrel" for oil measurement means a barrel of 42 U.S. gallons of 231 cubic inches per gallon, computed at a temperature of 60 degrees Fahrenheit.

(b) "Director" means the director of taxation.

(c) "Gas" means natural gas, and all other raw, unrefined gas or gases, all constituent parts of any such gas or gases and refined products derived from any such gas or gases, including, but not limited to, methane, ethane, propane, butane and helium, taken from below the surface of the earth or water in this state, regardless of whether from a gas well or from a well also productive of oil or any other product.

(d) "Gross value" means the sale price of oil or gas at the time of removal of the oil or gas from the lease or production unit and if oil or gas is exchanged for something other than cash, or if no sale occurs at the time of removal or if the director determines that the relationship between the buyer and the seller is such that the consideration paid, if any, is not indicative of the true value or market price, then the director shall

determine the value of the oil or gas subject to tax based on the cash price paid to one or more producers for the oil or gas or based on the cash price paid to producers for like quality oil or gas in the vicinity of the lease or production unit at the time of the removal of the oil or gas from the lease or production unit.

(e) "Lease number" means the number assigned by the director of taxation to identify each well, lease or combination of wells within a lease.

(f) "Oil" means petroleum, or other crude oil, condensate, casinghead gasoline, or other mineral oil which is severed or withdrawn from below the surface of the soil or water in this state.

(g) "Operator" means the person primarily responsible for the management and operation of coal, oil or gas productions from a lease, production unit or mine.

(h) "Person" means any natural person, firm, copartnership, joint venture, association, corporation, estate, trust or any other group or combination acting as a unit, and the plural as well as the singular number.

(i) "Producer" means any person owning, controlling, managing or leasing any coal, oil or gas property or oil or gas well or coal or salt mine, and any person who serves in any manner any coal, oil or gas in this state, and shall include any person owning any direct and beneficial interest in any coal, oil or gas produced, whether severed by such person or some other person on their behalf, either by lease, contract or otherwise, including a royalty owner.

(j) "Remove" or "removal" means the physical transportation of coal, oil or gas off of the lease or production unit or from the mine where severed; and if the manufacture or conversion of crude oil or natural gas into refined products occurs on the premises where severed, oil or gas shall be deemed to have been removed on the date such manufacture or conversion begins.

(k) "Secretary" means the secretary of revenue.

(l) "Severed" or "severing" means: (1) The production of oil through extraction or withdrawal of the same from below the surface of the soil or water, whether such extraction or withdrawal shall be by natural flow, mechanical flow, forced flow, pumping or any other means employed to get the oil from below the surface of the soil or water and shall include the withdrawal by any means whatsoever of oil upon which the tax has not been paid, from any surface reservoir, natural or artificial, or from a water surface; (2) the production of gas through the extraction or withdrawal of the same by any means whatsoever, from below the surface of the earth or water; and (3) the physical removal of coal from the earth.

(m) "Taxpayer" means any person liable for the taxes imposed by this act.

(n) "Disruption of production" means, in the case of oil, a continuous 24-hour period during which a well is not producing. Circulating and missed production days shall be considered production days if the operator can demonstrate that any lost production is subsequently recovered during a later production day. In the case of gas, a continuous one-hour period during which a well is not open to the pipeline shall be deemed to be a disruption of production. Missed production hours shall be considered production hours if the operator can demonstrate that any lost production is subsequently recovered during later production hours.

Sec. 14. K.S.A. 79-4226 is hereby amended to read as follows: 79-4226. (a) Every operator shall make and keep a complete and accurate record in the form required by the director showing the gross quantity of coal, oil or gas severed and removed from

each lease, production unit or mine, the names of the purchasers of such products, the price paid therefor and the date of purchase. Every purchaser of coal, oil or gas severed in this state who is required to collect and remit the tax on the same shall make and keep a complete and accurate record in the form required by the director showing the gross quantity of coal, oil or gas purchased from each lease, production unit or mine, the price paid therefor, the name of the operator and the date of purchase. Such records 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 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 authorized their disposal.

(b) The amount of taxes imposed by this act is to be assessed within three years after the return is filed. 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 at any time, within two years from the discovery of such fraud. The provisions of K.S.A. 79-3226, and amendments thereto, relating to procedures for contesting a proposed assessment of additional tax or the denial of a refund shall apply as if set forth in this section. No refund shall be allowed by the director after three years from the date the return was filed, or one year after the assessment is made, whichever is the later date unless before the expiration of such period a claim therefor is filed by the taxpayer. 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 a claim therefor with the director.

(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 periods of limitations. The periods so agreed upon may be extended by subsequent agreements in writing made before the expiration of the periods 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) No refund of mineral severance tax shall be allowed by the director or by any court of this state based on any administrative or judicial claim, petition, pleading, cause of action or request for relief that has been or may be filed on or after July 1, 1983, alleging that any constituent part of gas and any refined products derived from any such gas are not taxable pursuant to the provisions of K.S.A. 79-4216 et seq., and amendments thereto.

Sec. 15. K.S.A. 79-4226 and K.S.A. 2012 Supp. 74-50,222 and 79-4216 are hereby repealed.

Sec. 16. On July 1, 2013, K.S.A. 2012 Supp. 79-201a, as amended by section 1 of 2013 House Bill No. 2135, 79-32,110, 79-32,119, 79-32,120, 79-3603, 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, 79-3703 and 79-3710 are hereby repealed.;

And by renumbering sections accordingly;

On page 1, in the title, in line 2, by striking ", modifications"; in line 3, following "revenue;" by inserting "privilege tax; rural opportunity zones; property tax, exemptions, industrial revenue bond property, homestead destroyed or substantially

destroyed by natural disaster;"; also in line 3, by striking all following "amending"; by striking all in lines 4 through 8 and inserting: "K.S.A. 79-4226 and K.S.A. 2012 Supp. 74-50,222, 79-201a, as amended by section 1 of 2013 House Bill No. 2135, 79-32,110, 79-32,119, 79-32,120, 79-3603, 79-3620, as amended by section 6 of 2013 House Substitute for Senate Bill No. 83, 79-3703, 79-3710 and 79-4216 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

CARYN TYSON
TERRY BRUCE
TOM HOLLAND

Conferees on part of Senate

RICHARD CARLSON
CLARK SHULTZ
JULIE MENGHINI

Conferees on part of House

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2059**.

On roll call, the vote was: Yeas 24; Nays 13; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Petersen, Pilcher-Cook, Powell, Smith, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, McGinn, Ostmeyer, Pettey, Pyle, V. Schmidt, Wolf.

Absent or Not Voting: Donovan, Emler, Holmes.

The Conference Committee Report on **HB 2059** was adopted.

EXPLANATION OF VOTE

Mr. President: With apologies to the late country music singer and guitarist Jerry Reed, "Kochs get the gold mine, hard working Kansans get the shaft". I vote no on **HB 2059**.—TOM HOLLAND

Upon motion of Senator Bruce, the Senate recessed until 11:00.

The Senate met, pursuant to recess with Vice President King in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Haley and Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1770—

A RESOLUTION congratulating and commending Senator Ulysses Lee "Rip" Gooch.

WHEREAS, Senator Gooch of Wichita, one of our most respected and beloved senators of the Kansas Legislature, will be 90 years old on September 13. Senator

Gooch was elected to the Kansas Senate in 1993. His committee assignments have included service as ranking minority member of the Federal and State Affairs and Transportation Committees plus membership on the Elections and Local Government, Administrative Rules and Regulations, Local Government, Commerce, Economic Development and Governmental Organization Committees. He also served on the Joint Committee on Rules and Regulations and the Joint Committee on Economic Development; and

WHEREAS, Senator Gooch was previously involved in public service by serving on the Wichita City Council from 1989 to 1993, including two years as Vice-Mayor; and

WHEREAS, Senator Gooch was involved with the aviation industry for 55 years commencing with three years in the United States Armed Forces. He has more than 18,000 flight hours. For 17 years, he operated his own aviation company, a fixed-base operation on Rawdon Field, now a part of Raytheon's Wichita facility. His business, Aero Services, offered short-term plane rental, aircraft sales and service, tie-down and hangar rental and contracted with the federal government to provide military airlift services and helicopter roto-hub overhauls. For 20 additional years, he continued to freelance as a flight instructor, flight examiner and charter pilot. Senator Gooch is a member of the Kansas Aviation Hall of Fame, and in 2001, he was one of the initial inductees into the Black Aviation Hall of Fame. Additionally, he has a lengthy association with the Tuskegee Airmen organization. He served four years as a consultant for Raytheon Aircraft Manufacturing; and

WHEREAS, Senator Gooch was instrumental in the formation of the International Black Aerospace Council, an umbrella organization of five major black aviation organizations. He has served on the Aviation Advisory Committee of the Kansas Department of Transportation, the Air Museum Task Force and the Wichita Airport Authority, and he is a member of the Kansas Museum Aviation Board; and

WHEREAS, Senator Gooch was born in Ripley, Tennessee, and graduated from Ripley's Lauderdale High School. He also attended Tennessee A and I University, and in 2003, he was honored by his hometown and namesake by being awarded the city's Outstanding Citizen Award and being given the Key to the City. Senator Gooch was also awarded the 2012 Trailblazers Award from the Kansas African American Museum in Wichita, Kansas; and

WHEREAS, Senator Gooch was a loving and devoted husband to his wife, Dora Augusta Gooch, for 48 years. She is now deceased, as is his daughter, Camellia, and son, Kerry, who was his close friend and flying mate. He has another daughter, Bonita, a grandson, Kerry Jr., and two granddaughters, Dorian and Lauren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Senator Gooch for his devotion to public service, his success in the aviation industry and his zeal for living as he looks forward to his 90th birthday; and

Be it further resolved: That the Secretary of the Senate shall send two enrolled copies of this resolution to Senator Haley and two enrolled copies of this resolution to Senator Faust-Goudeau.

On emergency motion of Senator Haley **SR 1770** was adopted unanimously.

CONSIDERATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation, were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committee on **Federal and State Affairs**:

By the Governor

On the appointment to the:

State Civil Service Board:

Sue Christopher, term expiring March 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Donovan, Emler, Holmes.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Racing and Gaming Commission:

Timothy Shultz, term expiring January 15, 2017

On roll call, the vote was: Yeas 37; Nays 0; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Absent or Not Voting: Donovan, Emler, Holmes.

The appointment was confirmed.

ORIGINAL MOTION

Senator Bruce moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2049**.

CONFERENCE COMMITTEE REPORT

MADAM 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 with Senate Committee amendments, as follows:

On page 1, by striking all in lines 9 through 34;

By striking all in pages 2 through 21;

On page 22, by striking all in lines 1 through 16 and inserting the following:

"Section 1. K.S.A. 2012 Supp. 21-2511 is hereby amended to read as follows: 21-2511. (a) On and after May 2, 1991, any person convicted as an required to register as an offender pursuant to K.S.A. 22-4901, and amendments thereto, any adult arrested or charged or adjudicated as a juvenile offender because of placed in custody for or charged with the commission of any felony; a violation of the following offenses,

regardless of the sentence imposed, shall be required to submit biological samples authorized by and given to the Kansas bureau of investigation in accordance with the provisions of this section:

- (1) Any felony;
- (2) subsection (a)(1) of K.S.A. 21-3505, prior to its repeal, or subsection (a)(1) or (a)(2) of K.S.A. 2012 Supp. 21-5504, and amendments thereto;
- (3) a violation of K.S.A. 21-3508, prior to its repeal, or K.S.A. 2012 Supp. 21-5513, and amendments thereto, when committed in the presence of a person 16 or more years of age;
- (4) a violation of K.S.A. 21-4310, prior to its repeal, or K.S.A. 2012 Supp. 21-6412, and amendments thereto;
- (5) a violation of K.S.A. 21-3424, prior to its repeal, or K.S.A. 2012 Supp. 21-5411, and amendments thereto, when the victim is less than 18 years of age;
- (6) a violation of K.S.A. 21-3507, prior to its repeal, or K.S.A. 2012 Supp. 21-5511, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (7) a violation of subsection (b)(1) of K.S.A. 21-3513, prior to its repeal, or subsection (b)(1)(A) of K.S.A. 2012 Supp. 21-6420, and amendments thereto, when one of the parties involved is less than 18 years of age;
- (8) a violation of K.S.A. 21-3515, prior to its repeal, or K.S.A. 2012 Supp. 21-6421, and amendments thereto, when one of the parties involved is less than 18 years of age; or
- (9) a violation of K.S.A. 21-3517, prior to its repeal, or subsection (a) of K.S.A. 2012 Supp. 21-5505, and amendments thereto; or
- (10) including an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2012 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of any such offenses provided in this subsection, regardless of the sentence imposed, shall be required to submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation in accordance with the provisions of this act, if such person is:
 - (1) ~~Convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act;~~
 - (2) ~~ordered institutionalized as a result of being convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in subsection (a) on or after the effective date of this act; or~~
 - (3) ~~convicted as an adult or adjudicated as a juvenile offender because of the commission of a crime specified in this subsection before the effective date of this act and is presently confined as a result of such conviction or adjudication in any state correctional facility or county jail or is presently serving a sentence under K.S.A. 21-4603, 21-4603d, 22-3717 or K.S.A. 2012 Supp. 38-2361, and amendments thereto.~~
- (b) Notwithstanding any other provision of law, the Kansas bureau of investigation is authorized to obtain fingerprints and other identifiers for all persons, whether juveniles or adults, covered by required to submit a sample under the provisions of this act section.
- (c) Any person required by paragraphs (a)(1) and (a)(2) to provide such specimen

or sample shall be ordered by the court to have such specimen or sample collected within 10 days after sentencing or adjudication:

(1) ~~If placed directly on probation, that person must provide such specimen or sample, at a collection site designated by the Kansas bureau of investigation. Collection of specimens shall be conducted by qualified volunteers, contractual personnel or employees designated by the Kansas bureau of investigation. Failure to cooperate with the collection of the specimens and any deliberate act by that person intended to impede, delay or stop the collection of the specimens shall be punishable as contempt of court and constitute grounds to revoke probation;~~

(2) ~~if sentenced to the secretary of corrections, such specimen or sample will be obtained as soon as practical upon arrival at the correctional facility; or~~

(3) ~~if a juvenile offender is placed in the custody of the commissioner of juvenile justice, in a youth residential facility or in a juvenile correctional facility, such specimen or sample will be obtained as soon as practical upon arrival.~~

Persons required to submit a sample pursuant to subsection (a) shall be required to submit such sample at the same time such person is fingerprinted pursuant to the booking procedure.

(d) Any person required by paragraph (a)(3) convicted as an adult and who was incarcerated on May 2, 1991, for a crime committed prior to May 2, 1991, shall be required to provide such specimen or submit a sample shall be required to provide such samples prior to final discharge or conditional release at a collection site designated by the Kansas bureau of investigation. Collection of specimens shall be conducted by qualified volunteers, contractual personnel or employees designated by the Kansas bureau of investigation.

(e)(1) ~~On and after January 1, 2007 through June 30, 2008, any adult arrested or charged or juvenile placed in custody for or charged with the commission or attempted commission of any person felony or drug severity level 1 or 2 felony shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure.~~

(2) ~~On and after July 1, 2008, except as provided further, any adult arrested or charged or juvenile placed in custody for or charged with the commission or attempted commission of any felony; a violation of subsection (a)(1) of K.S.A. 21-3505; a violation of K.S.A. 21-3508; a violation of K.S.A. 21-4310; a violation of K.S.A. 21-3424, and amendments thereto, when the victim is less than 18 years of age; a violation of K.S.A. 21-3507, and amendments thereto, when one of the parties involved is less than 18 years of age; a violation of subsection (b)(1) of K.S.A. 21-3513, and amendments thereto, when one of the parties involved is less than 18 years of age; a violation of K.S.A. 21-3515, and amendments thereto, when one of the parties involved is less than 18 years of age; or a violation of K.S.A. 21-3517, and amendments thereto; shall be required to submit such specimen or sample at the same time such person is fingerprinted pursuant to the booking procedure.~~

(3)(c) Prior to taking such samples, the arresting, charging or custodial law enforcement or juvenile justice agency shall search the Kansas criminal history files through the Kansas criminal justice information system to determine if such person's sample is currently on file with the Kansas bureau of investigation. In the event that it cannot reasonably be established that a DNA sample for such person is on file at the Kansas bureau of investigation, the arresting, charging or custodial law enforcement or

juvenile justice agency shall cause a sample to be collected. If such person's sample is on file with the Kansas bureau of investigation, the law enforcement or juvenile justice agency ~~is shall~~ not ~~be~~ required to take the sample.

~~(4)(f)~~ (1) If a court later determines that there was not probable cause for the arrest, charge or placement in custody or the charges are otherwise dismissed, and the case is not appealed, the Kansas bureau of investigation, upon petition by such person, shall expunge both the DNA sample and the profile record of such person.

~~(5)(2)~~ If a conviction against a person; who is required to submit such ~~specimen or~~ sample; is expunged or a verdict of acquittal with regard to such person is returned, the Kansas bureau of investigation shall, upon petition by such person, expunge both the DNA sample and the profile record of such person.

~~(f)~~ All persons required to register as offenders pursuant to K.S.A. 22-4901 et seq., and amendments thereto, shall be required to submit specimens of blood or an oral or other biological sample authorized by the Kansas bureau of investigation to the Kansas bureau of investigation in accordance with the provisions of this act.

(g) The Kansas bureau of investigation shall provide all ~~specimen vials, mailing tubes, labels kits, supplies~~ and instructions necessary for the collection of ~~blood, oral or other~~ biological samples. The collection of samples shall be performed in a medically approved manner. No person ~~authorized by this section to withdraw blood, and no~~ person assisting in the collection of ~~these samples pursuant to the provisions of this section~~ shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices. ~~The withdrawal of blood for purposes of this act may be performed only by: (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) any qualified medical technician including, but not limited to, an emergency medical technician-intermediate, mobile intensive care technician, advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto; or a phlebotomist. The Such~~ samples shall thereafter be forwarded to the Kansas bureau of investigation; ~~and~~ the bureau shall analyze ~~the such~~ samples to the extent allowed by funding available for this purpose.

~~(h)~~ (1) ~~The DNA (deoxyribonucleic acid) records and DNA samples shall be maintained by the Kansas bureau of investigation. The Kansas bureau of investigation shall establish, implement and maintain a statewide automated DNA databank and DNA database capable of, but not limited to, searching, matching and storing DNA records. The DNA database as established by this act section shall be compatible with the procedures specified by the federal bureau of investigation's combined DNA index system (CODIS). The Kansas bureau of investigation shall participate in the CODIS federal bureau of investigation's combined DNA index system program by sharing data and utilizing compatible test procedures, laboratory equipment, supplies and computer software.~~

~~(i)(2)~~ The DNA records obtained pursuant to this ~~act section~~ shall be confidential and shall be released only to authorized criminal justice agencies. ~~The Such~~ DNA records shall be used only for law enforcement identification purposes or to assist in the recovery or identification of human remains from disasters or for other humanitarian identification purposes, including, but not limited to, identification of missing persons.

~~(j)(1)(3)~~ The Kansas bureau of investigation shall be the state central repository for

all DNA records and ~~DNA~~ samples obtained pursuant to this ~~act-section~~. No DNA records shall be accepted for admission or comparison unless obtained in substantial compliance with the provisions of this section by an accredited forensic laboratory meeting the national DNA index guidelines established by the federal bureau of investigation.

(i) ~~(1)~~ The Kansas bureau of investigation shall promulgate rules and regulations for:

(A) The form and manner of the collection and maintenance of DNA samples;
 (B) a procedure which allows ~~the defendant~~ defendants to petition to expunge and destroy the DNA samples and profile record in the event of a dismissal of charges, expungement or acquittal at trial; and

(C) any other procedures for the operation of this ~~act-section~~.

(2) ~~These~~ Such rules and regulations also shall require compliance with national quality assurance standards to ensure that ~~the~~ such DNA records satisfy standards of acceptance of such records into the national DNA identification index.

(3) The provisions of the Kansas administrative procedure act shall apply to all actions taken ~~under the~~ pursuant to such rules and regulations ~~so promulgated~~.

~~(k)~~ (j) The Kansas bureau of investigation is authorized to contract with third parties for the purposes of implementing this section. Any other party contracting to carry out the functions of this section shall be subject to the same restrictions and requirements of this section, insofar as applicable, as the bureau, as well as any additional restrictions or requirements imposed by the bureau.

~~(l)~~ (k) In the event that a person's DNA sample is lost, was not properly obtained pursuant to the provisions of this section or is not adequate for any reason, the person shall provide another sample for analysis.

(l) A sample, or any evidence based upon or derived from such sample, collected by a law enforcement agency or a juvenile justice agency in substantial compliance with the provisions of this section, shall not be excluded as evidence in any criminal proceeding on the basis that such sample was not validly obtained.

(m) Any person who is subject to the requirements of this section, and who, after receiving notification of the requirement to provide a DNA specimen, knowingly refuses to provide such DNA specimen, shall be guilty of a class A nonperson misdemeanor.

(n) As used in this section:

(1) "DNA" means deoxyribonucleic acid; and

(2) "profile record" means the identifying information of the laboratory performing the examination, case numbers, laboratory personnel and the specimen identification number related to a DNA profile.

Sec. 2. K.S.A. 2012 Supp. 21-5107, as amended by section 1 of 2013 House Bill No. 2252, is hereby amended to read as follows: 21-5107.(a) A prosecution for rape, aggravated criminal sodomy, murder, terrorism or illegal use of weapons of mass destruction may be commenced at any time.

(b) Except as provided in subsection (e), a prosecution for any crime shall be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(c) Except as provided in subsection (e), a prosecution for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto:

(1) When the victim is 18 years of age or older shall be commenced within 10 years or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later; or

(2) when the victim is under 18 years of age shall be commenced within 10 years of the date the victim turns 18 years of age or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(d) Except as provided by subsection (e), a prosecution for any crime, as defined in K.S.A. 2012 Supp. 21-5102, and amendments thereto, not governed by subsection (a), (b) or (c) shall be commenced within five years after it is committed.

(e) The period within which a prosecution shall be commenced shall not include any period in which:

(1) The accused is absent from the state;

(2) the accused is concealed within the state so that process cannot be served upon the accused;

(3) the fact of the crime is concealed;

(4) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(5) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(6) whether the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present:

(A) The victim was a child under 15 years of age at the time of the crime;

(B) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime;

(C) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and

(D) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in subsection (e)(6) later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime.

(f) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(g) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for

execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

(h) As used in this section, "parent or other legal authority" shall include, but not be limited to, natural and stepparents, grandparents, aunts, uncles or siblings.

Sec. 3. K.S.A. 22-2809a is hereby amended to read as follows: 22-2809a. (a) As used in this section: (1) "Surety" means a person or commercial surety, other than a defendant in a criminal proceeding, that guarantees the appearance of a defendant in a criminal proceeding, by executing an appearance bond;

(2) "agent of a surety" means a person not performing the duties of a law enforcement officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement.

(b) Any surety or agent of a surety, commonly referred to as a bounty hunter, who intends to apprehend any person in this state pursuant to K.S.A. 22-2809, and amendments thereto, or under similar authority from any other state, shall inform law enforcement authorities in the city or county in which such surety or agent of a surety intends such apprehension, before attempting such apprehension. The surety or agent of a surety shall present to the local law enforcement authorities a certified copy of the bond, a valid government-issued photo identification, written appointment of agency, if not the actual surety, and all other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the surety or agent.

(c) No person who, ~~within the past 10 years,~~ has been convicted, in this or any other jurisdiction, of a ~~person~~ felony; may act as a surety or as an agent of a surety unless 10 or more years have elapsed since such person satisfied the sentence imposed or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(d) An out-of-state surety or agent of a surety who intends to apprehend any person in this state pursuant to K.S.A. 22-2809, and amendments thereto, or under similar authority from any other state, shall contract with an individual that has been authorized by any court in this state to act as a surety or agent of a surety, before attempting such apprehension, and be accompanied by such individual during such apprehension.

~~(d)~~ (e) Violation of this section is a class A nonperson misdemeanor for the first conviction of a violation and a severity level 9, nonperson felony upon a second or subsequent conviction of a violation.

New Sec. 4. (a) Voting more than once is intentionally:

(1) Voting or attempting to vote more than once in the same jurisdiction or voting in more than one jurisdiction in the United States in an election held on a particular date; or

(2) inducing or aiding any person to vote more than once in the same jurisdiction or voting in more than one jurisdiction in the United States in an election held on a particular date.

(b) Voting more than once is a severity level 8, nonperson felony.

(c) This section shall be part of and supplemental to article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 5. (a) Independent authority to prosecute any person who has violated or attempted to violate any act that constitutes a Kansas elections crime defined in K.S.A. 25-1128 or article 24 of chapter 25 of the Kansas Statutes Annotated, and amendments

thereto, shall be vested in:

(1) The district attorney or county attorney of the county where such violations occurred;

(2) the Kansas attorney general; or

(3) the Kansas secretary of state.

(b) If one of the officers listed in subsection (a) has commenced the prosecution of a person who has violated or attempted to violate any act that constitutes a Kansas election crime, the other officers listed in subsection (a) may provide assistance to the prosecuting officer but may not commence a separate prosecution.

Sec. 6. K.S.A. 2012 Supp. 25-1128 is hereby amended to read as follows: 25-1128.

(a) No voter shall knowingly mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall knowingly interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

(c) Except as otherwise provided by law, no person other than the voter, shall knowingly mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope.

(d) Except as otherwise provided by law, no person shall knowingly sign an application for an advance voting ballot for another person. This provision shall not apply if a voter has a disability preventing the voter from signing an application or if an immediate family member signs an application on behalf of another immediate family member with proper authorization being given.

(e) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall knowingly intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

(f) No person shall knowingly and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot or set of advance voting ballots.

(g) A voter may return such voter's advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter.

(h) Violation of any provision of this section is a class C misdemeanor.

Sec. 7. K.S.A. 25-2409 is hereby amended to read as follows: 25-2409. (a) Election bribery is conferring, offering or agreeing to confer, or soliciting, accepting or agreeing to accept any benefit as consideration to or from any person either to vote or withhold any person's vote, or to vote for or against any candidate or question submitted at any public election.

(b) This section shall not apply to a business or organization that provides a product

of a value less than \$3.00 to any person who asserts that such person has voted, without regard to the voter's vote for or against any candidate or issue.

(c) Election bribery is a severity level 7, nonperson felony.

Sec. 8. K.S.A. 25-2416 is hereby amended to read as follows: 25-2416. (a) Voting without being qualified is knowingly and willfully: (a)

(1) Voting or attempting to vote at in any election district when not a lawfully registered voter: in such election district; or

(b)(2) Voting or offering to vote more than once at the same election voting or attempting to vote at any election by a person who is not a citizen of the United States or who does not otherwise meet the qualification of an elector.

(e)(b) Inducing or aiding any person to vote more than once at the same election. Voting without being qualified is a class A misdemeanor severity level 8, nonperson felony.

Sec. 9. K.S.A. 25-2423 is hereby amended to read as follows: 25-2423. (a) Election tampering is, while being charged with no election duty, making or changing any election record.

(b) Election tampering is a severity level 8, nonperson felony.

Sec. 10. K.S.A. 25-2431 is hereby amended to read as follows: 25-2431. (a) False impersonation of a voter is representing oneself as another person whether real or fictitious and thereas thereby voting or attempting to vote.

(b) False impersonation of a voter is a severity level 9, nonperson felony.

Sec. 11. K.S.A. 2012 Supp. 25-2507 is hereby amended to read as follows: 25-2507. (a) "Poll book" means a book in which each voter may sign the voter's signature and a number is assigned by one of the clerks of the election board when the voter is given a ballot or set of ballots. If the county election officer determines that voters shall sign the poll book, such book shall also contain on each page the declaration prescribed by subsection (d).

(b) "Registration book" means: (1) A book or list containing the names and other information relating to registered voters. Registration books shall have the names entered therein before the same or copies thereof are delivered to the supervising judges. Registration books may also contain blank lines on which each voter shall sign the voter's signature. If the county election officer determines that voters shall sign the registration book, such book shall also contain on each page the declaration prescribed by subsection (d); or

(2) a book meeting the requirements of K.S.A. 25-2507 (b)(1), and amendments thereto, containing blank lines on which each voter shall sign the voter's signature, containing on each page the declaration prescribed by subsection (d), and containing the numbers assigned by one of the clerks of the election board when voters are given ballots or sets of ballots.

(c) "Party affiliation lists" means a list containing the names of all registered voters of a county who have lawfully designated a party affiliation.

(d) "Declaration" means the following: "I, the undersigned, declare under penalty of perjury that I am a registered voter in the state of Kansas, county of _____, that I have not signed a name other than my own in order to represent myself as any other registered voter, and that I am qualified to vote and have not previously voted and will not vote again at this election in the election held on this date, in this or any other jurisdiction in the United States, for any offices or ballot issues."

Sec. 12. K.S.A. 22-2809a, 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp. 21-2511, 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 25-1128 and 25-2507 are hereby repealed.";

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 1, by striking all after "concerning"; by striking all in lines 2 through 6 and inserting "crimes, punishment and criminal procedure; relating to DNA evidence; statute of limitations; election crimes; amending K.S.A. 22-2809a, 25-2409, 25-2416, 25-2423 and 25-2431 and K.S.A. 2012 Supp. 21-2511, 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 25-1128 and 25-2507 and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

JEFF KING

GREG SMITH

DAVID HALEY

Conferees on part of Senate

LANCE KINZER

ROB BRUCHMAN

JANICE PAULS

Conferees on part of House

Senator Smith moved the Senate adopt the Conference Committee Report on **HB 2049**.

On roll call, the vote was: Yeas 24; Nays 13; Present and Passing 0; Absent or Not Voting 3.

Yeas: Abrams, Apple, Arpke, Bruce, Denning, Fitzgerald, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson, Wagle.

Nays: Bowers, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Kerschen, McGinn, Pettey, V. Schmidt, Wolf.

Absent or Not Voting: Donovan, Emler, Holmes.

The Conference Committee Report was adopted.

CONFERENCE COMMITTEE REPORT

MADAM PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 171** submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 6 through 34;

By striking all in pages 2 through 4 and inserting;

"Section 1. (a) For the fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which

appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) The provisions of this act relating to fiscal year 2014 shall be known and may be cited as the omnibus appropriation act of 2013 and shall constitute the omnibus reconciliation spending limit bill for the 2013 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:

Becker, Raymond C 468 Highway 20 W Lancaster, KS 66041.....	\$683.86
Fox, Daniel J. 2086 Highland Ave Salina, KS 67401.....	\$104.52
Laidlaw Transit Inc 1548 E 23rd St Suite C Lawrence, KS 66046.....	\$34,552.67
Martin, Philip G 1848 12th Rd Clay Center, KS 67432.....	\$278.86
Midwestern Well Service Inc PO Box 263 Liberal, KS 67905.....	\$2,928.51
Reconserve of KS Inc 2811 Wilshire Blvd Ste 410 Santa Monica, CA 90403.....	\$627.59
Rissen, William E 24586 S Berryton Rd Lyndon, KS 66451.....	\$129.00
Stafford Community USD 349 318 E Broadway St Stafford, KS 67578.....	\$200.23
Strobel, John R 31464 N Hwy 59 Garnett, KS 66032.....	\$57.00
Trans Porte Inc 10410 S 50th Pl Phoenix, AZ 85044.....	\$3,212.59
USD 267 Renwick PO Box 68 Andale, KS 67001.....	\$146.72
Wamego Country Club PO Box 177	

Wamego, KS 66547.....	\$275.18
Wichita Country Club PO Box 8105 Wichita, KS 67208.....	\$25.80
Wildcat Concrete Serv Inc PO Box 750075 Topeka, KS 66675.....	\$281.21

Sec. 3. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property stolen by another inmate while under staff supervision to the following claimant:

Patterson, Roger #30581 Hutchinson Correctional Facility PO Box 1568 Hutchinson, KS 67501.....	\$40.33
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(b) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost by staff to the following claimant:

Rivera, Luis A. #95345 Hutchinson Correctional Facility PO Box 1568 Hutchinson, KS 67501.....	\$47.72
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(c) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost by staff to the following claimant:

Jackson, William #89649 Patterson, Roger #30581 Hutchinson Correctional Facility PO Box 1568 Hutchinson, KS 67501.....	\$40.33
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(d) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost by staff to the following claimant:

Requena, Adrian Hutchinson Correctional Facility PO Box 1568 Hutchinson, KS 67501.....	\$8.61
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(e) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost by staff to the following claimant:

Francis, John #79594 Lansing Correctional Facility PO Box 2 Lansing, KS 66043.....	\$35.94
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(f) The department of corrections is hereby authorized and directed to pay the following amount from the Ellsworth correctional facility – facilities operations account of the state general fund for property damaged by staff to the following claimant:

Gideon, Johnnie #91707
 Lansing Correctional Facility
 PO Box 2
 Lansing, KS 66043..... \$118.30

(g) 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 property lost by staff to the following claimant:

Hunter, Joe Larry #50830
 Winfield Correctional Facility
 1806 Pinecrest Circle
 Winfield, KS 67156..... \$50.00

Sec. 4. (a) On July 1, 2013, the department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund of the department of revenue for incentive payments claimed from the Kansas retail dealers incentive fund created to provide incentives to Kansas retail fuel dealers who sell and dispense renewable fuels or biodiesel fuels to the following claimant for a three-year period from 2014 to 2016:

Presto Oil, Inc. and Presto Convenience Stores, LLC
 14008 Roeder St.
 Overland Park, KS 66221..... \$160,731.98

(b) On July 1, 2014, the department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund of the department of revenue for incentive payments claimed from the Kansas retail dealers incentive fund created to provide incentives to Kansas retail fuel dealers who sell and dispense renewable fuels or biodiesel fuels to the following claimant for a three-year period from 2014 to 2016:

Presto Oil, Inc. and Presto Convenience Stores, LLC
 14008 Roeder St
 Overland Park, KS 66221..... \$160,731.98

(c) On July 1, 2015, the department of revenue is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund of the department of revenue for incentive payments claimed from the Kansas retail dealers incentive fund created to provide incentives to Kansas retail fuel dealers who sell and dispense renewable fuels or biodiesel fuels to the following claimant for a three-year period from 2014 to 2016:

Presto Oil, Inc. and Presto Convenience Stores, LLC
 14008 Roeder St.
 Overland Park, KS 66221..... \$160,731.98

Sec. 5. (a) On July 1, 2013, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Hutchinson was owed for tax increment financing reimbursements to the following claimant for a three-year period from 2009 to 2011:

City Treasurer
 City of Hutchinson
 PO Box 1567
 Hutchinson, KS 67504..... \$107,877.91

(b) On July 1, 2014, there is hereby appropriated from the state general fund for

errors in the amount of reimbursement the city of Hutchinson was owed for tax increment financing reimbursements to the following claimant for a three-year period from 2009 to 2011:

City Treasurer
City of Hutchinson
PO Box 1567
Hutchinson, KS 67504..... \$107,877.91

(c) On July 1, 2015, there is hereby appropriated from the state general fund for errors in the amount of reimbursement the city of Hutchinson was owed for tax increment financing reimbursements to the following claimant for a three-year period from 2009 to 2011:

City Treasurer
City of Hutchinson
PO Box 1567
Hutchinson, KS 67504..... \$107,877.91

Sec. 6. On July 1, 2013, there is hereby appropriated from the state general fund, as reimbursement for legal costs incurred for a sexually violent predator proceeding, to the following claimant:

County Treasurer
Sedgwick County
525 N. Main, Suite 325
Wichita, KS 67203..... \$36,840.43

Sec. 7. (a) Except as otherwise provided by this act, 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 sections 2 through 7 of 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, and amendments thereto, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 through 7 of this act, 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. 8.

ABSTRACTERS' BOARD OF EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 58(a) of chapter 118 of the 2011 Session Laws of Kansas on the abstracters' fee fund of the abstracters' board of examiners is hereby decreased from \$24,742 to \$22,308.

Sec. 9.

BOARD OF ACCOUNTANCY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the board of accountancy fee fund of the board of accountancy is hereby increased from \$346,426 to \$364,455.

(b) On the effective date of this act, the position limitation established for the fiscal

year ending June 30, 2013, by section 79 of chapter 118 of the 2011 Session Laws of Kansas for the board of accountancy is hereby decreased from 3.00 to 1.00.

Sec. 10.

STATE BOARD OF HEALING ARTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 21(a) of chapter 175 of the 2012 Session Laws of Kansas on the healing arts fee fund of the state board of healing arts is hereby decreased from \$4,319,499 to \$4,314,775.

Sec. 11.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2013, by section 64(a) of chapter 118 of the 2011 Session Laws of Kansas on the cosmetology fee fund of the Kansas state board of cosmetology is hereby increased from \$500 to \$750.

Sec. 12.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 25(a) of chapter 175 of the 2012 Session Laws of Kansas on the credit union fee fund of the Kansas department of credit unions is hereby increased from \$1,037,437 to \$1,043,574.

Sec. 13.

KANSAS BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 68(a) of chapter 118 of the 2011 Session Laws of Kansas, on the hearing instrument board fee fund of the board of examiners in fitting and dispensing of hearing instruments is hereby decreased from \$29,181 to \$29,164.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2013, 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 litigation fund.....\$7,000

Sec. 14.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 14(b) of chapter 175 of the 2012 Session Laws of Kansas on the board of nursing fee fund of the board of nursing is hereby decreased from \$2,109,710 to \$2,105,593.

Sec. 15.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the optometry fee fund of the board of examiners in optometry is hereby decreased from \$114,368 to \$91,114.

Sec. 16.

REAL ESTATE APPRAISAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the appraiser fee fund of the real estate appraisal board is hereby decreased from \$314,100 to \$293,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2013, 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:

Appraisal management companies fee fund.....\$20,600
Sec. 17.

KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the real estate fee fund of the Kansas real estate commission is hereby decreased from \$1,131,121 to \$997,211.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 79 of chapter 118 of the 2011 Session Laws of Kansas for the Kansas real estate commission is hereby decreased from 13.00 to 11.00.
Sec. 18.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation for the fiscal year ending June 30, 2013, by section 18(a) of chapter 175 of the 2012 Session Laws of Kansas on the technical professions fee fund of the state board of technical professions is hereby decreased from \$615,138 to \$614,683.
Sec. 19.

KANSAS HOME INSPECTORS REGISTRATION BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 78(a) of chapter 118 of the 2011 Session Laws of Kansas on the home inspectors registration fee fund of the Kansas home inspectors registration board is hereby decreased from \$16,800 to \$15,013.
Sec. 20.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the \$563,652 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 55(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the legislative coordinating council – operations account, the sum of \$93 is hereby lapsed.

(b) On the effective date of this act, of the \$3,743,092 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 55(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the legislative research department – operations account, the sum of \$154,530 is hereby lapsed.

(c) On the effective date of this act, of the \$3,127,906 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 55(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the office of revisor of statutes – operations account, the sum of \$1,562 is hereby lapsed.
Sec. 21.

LEGISLATURE

(a) On the effective date of this act, of the \$16,680,245 appropriated for the above

agency for the fiscal year ending June 30, 2013, by section 56(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account, the sum of \$4,392 is hereby lapsed.

Sec. 22.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Operating expenditures.....\$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, 2013, 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 attorney general batterer intervention program certification fund.....No limit

(c) On the effective date of this act, the expenditure limitation for state operations established for the fiscal year ending June 30, 2013 by section 60(b) of chapter 175 of the 2012 Session Laws of Kansas in the crime victims compensation fund of the attorney general is hereby increased from \$454,058 to \$646,058.

(d) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 117(a) of chapter 175 of the 2012 Session Laws of Kansas for the attorney general is hereby increased from 106.50 to 115.00.

(e) On the effective date of this act, notwithstanding any other statute, any equipment purchased by a grant recipient using moneys from the internet training education for Kansas kids account of the state general fund of the attorney general shall become the property of such grant recipient.

Sec. 23.

INSURANCE DEPARTMENT

(a) On the effective date of this act, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$15,000,000 from the insurance department service regulation fund of the insurance department to the state general fund.

Sec. 24.

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, 2013, the following:

Operating expenditures.....\$607,532
Assigned counsel expenditures.....\$200,000

Sec. 25.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Judiciary operations.....\$199,499

Sec. 26.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the agency operations account of the non-retirement administration

fund of the Kansas public employees retirement system is hereby increased from \$83,081 to \$83,376.

(b) On the effective date of this act, or as soon thereafter as moneys are available therefore, notwithstanding the provisions of K.S.A. 38-2101, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$9,500,000 from the Kansas endowment for youth fund to the state general fund.

Sec. 27.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 69(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operating expenditures account is hereby decreased from \$1,194,306 to \$1,183,442.

Sec. 28.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the expenditure limitation for the fiscal year ending June 30, 2013, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund, and the conservation fee fund in the aggregate, as established in section 70(b) of chapter 175 of the 2012 Session Laws of Kansas, is hereby decreased from \$16,961,396 to \$16,952,609.

Sec. 29.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, of the \$1,602,035 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 72(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the personnel services account, the sum of \$65,608 is hereby lapsed.

(b) On the effective date of this act, of the \$483,885 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 125(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the replace Docking chillers account, the sum of \$243,885 is hereby lapsed.

(c) On the effective date of this act, of the \$13,502,124 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 125(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the statehouse improvements — debt service account, the sum of \$97,519 is hereby lapsed.

(d) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2013, for the capital improvement project or projects specified, the following:

State house improvements – debt service.....\$117,500

(e) On the effective date of this act, of the \$1,695,523 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 72(b) of chapter 175 of the 2012 Session Laws of Kansas from the expanded lottery act revenues fund in the public broadcasting digital conversion debt service account, the sum of \$117,523 is hereby lapsed.

(f) On the effective date of this act or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000,000 from the FICA reimbursements medical residents fund of the department of administration to the state general fund.

(g) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2013, 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:

Finney state office building Wichita security fund.....No limit
 Public safety broadband services fund.....No limit
 Sec. 30.

STATE COURT OF TAX APPEALS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the COTA filing fee fund of the state court of tax appeals is hereby increased from \$1,025,373 to \$1,180,760.

Sec. 31.

DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas on the division of vehicles operating fund of the state department of revenue is hereby increased from \$46,939,883 to \$48,139,472.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$6,751,952 from the state highway fund of the state department of transportation to the division of vehicles modernization fund of the state department of revenue.

(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 117(a) of chapter 175 of the 2012 Session Laws for the Kansas department of revenue is hereby decreased from 994.00 to 944.00.

Sec. 32.

KANSAS LOTTERY

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 117(a) of chapter 175 of the 2012 Session Laws of Kansas for the Kansas lottery is hereby decreased from 96.00 to 90.00.

(b) The director of accounts and reports shall not make the transfer of \$5,000,000 from the expanded lottery act revenues fund to the state general fund which was authorized to be made during the fiscal year ending June 30, 2013, and on the effective date of this act, the provisions of section 76(e) of chapter 175 of the 2012 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(c) On June 30, 2013, the director of accounts and reports shall transfer \$2,000,000 from the state general fund to the expanded lottery act revenues fund.

Sec. 33.

KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 117(a) of chapter 175 of the 2012 Session Laws of Kansas for the Kansas racing and gaming commission – state racing operations and expanded gaming regulation division is hereby decreased from 74.00 to 70.50.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 117(a) of chapter 175 of the 2012 Session Laws of Kansas for the Kansas racing and gaming commission – state gaming agency is hereby decreased from 24.00 to 23.00.

(c) On and after the effective date of this act, during the fiscal year ending June 30,

2013, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, no moneys appropriated for the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2013 shall be expended by the Kansas racing and gaming commission for the purposes of compensation of members of such commission for performing the duties and functions of the commission, except that such members shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 34.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2013, by section 117(a) of chapter 175 of the 2012 Session Laws of Kansas for the department of commerce is hereby decreased from 238.00 to 192.00.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 126(b) of chapter 175 of the 2012 Session Laws of Kansas on the rehabilitation and repair account of the Wagner Peyser employment services – federal fund of the department of commerce is hereby increased from \$80,000 to no limit.

(c) On the effective date of this act, any unencumbered balance in excess of \$100 as of June 30, 2012, in the strong military bases program account of the state economic development initiatives fund is hereby reappropriated for fiscal year 2013.

(d) 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 2013, 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 2013, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....No limit

Sec. 35.

DEPARTMENT OF LABOR

(a) On the effective date of this act, of the \$383,069 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 80(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$103,085 is hereby lapsed.

Sec. 36.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) On the effective date of this act, of the \$392,481 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 124(b)(1) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operating expenditures – administration account, the sum of \$1,500 is hereby lapsed.

(b) On the effective date of this act, of the \$2,252,008 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 123(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operating expenditures – Kansas veterans' home account, the sum of \$24,200 is hereby lapsed.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Veterans claims assistance program – service grants.....\$24,200

(d) On the effective date of this act, of the \$274,585 appropriated for the above

agency for the fiscal year ending June 30, 2012, by section 150(a) of chapter 118 of the 2011 Session Laws of Kansas from the state institutions building fund in the soldiers' home rehabilitation and repair projects account, the sum of \$109,971 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the veterans home federal fund of the Kansas commission on veterans affairs is hereby decreased from \$3,625,889 to \$1,469,822.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the soldiers home federal fund of the Kansas commission on veterans affairs is hereby increased from \$2,413,337 to \$5,204,680.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the veterans home fee fund of the Kansas commission on veterans affairs is hereby decreased from \$3,302,864 to \$3,222,248.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the soldiers home fee fund of the Kansas commission on veterans affairs is hereby decreased from \$1,747,955 to \$1,623,353.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the commission on veterans affairs federal fund of the Kansas commission on veterans affairs is hereby decreased from \$207,915 to \$188,395.

(j) During the fiscal year ending June 30, 2013, 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, 2013, from the state general fund for the Kansas commission on veterans affairs to the Vietnam war era veterans' recognition award fund. 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. 37.

DEPARTMENT OF HEALTH AND ENVIRONMENT—
DIVISION OF HEALTH

(a) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2013, the following:

Newborn screening..... \$113
Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT—
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$634,870,000 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 83(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$21,450,000 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, pursuant to section 83(b) of chapter 175 of the 2012 Session Laws of Kansas on expenditures from the state workers compensation self-

insurance fund of the department of health and environment – division of health care finance for salaries and wages and other operating expenditures is hereby increased from \$3,698,812 to \$4,017,320.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, pursuant to section 83(b) of chapter 175 of the 2012 Session Laws of Kansas on expenditures from the dependent care assistance program fund of the department of health and environment – division of health care finance for salaries and wages and other operating expenditures is hereby increased from \$430,916 to \$667,865.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, pursuant to section 83(b) of chapter 175 of the 2012 Session Laws of Kansas on the medical programs fee fund of the department of health and environment – division of health care finance is hereby increased from \$64,826,805 to \$70,058,569.

(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Operating expenditures.....	\$82,328
Sec. 39.	

DEPARTMENT OF HEALTH AND ENVIRONMENT—
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2013, the following:

Contamination remediation.....	\$515
Nonpoint source program.....	\$2,607
TMDL initiatives and use attainability analysis.....	\$1,208

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2013, the following:

Newborn screening.....	\$221
Sec. 40.	

KANSAS DEPARTMENT FOR AGING and DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Administration.....	\$225,553
Alcohol and drug abuse services grants.....	\$1,008,555
Other medical assistance.....	\$1,381,871
Community based services.....	\$1,388,816
Kansas neurological institute – operating expenditures.....	\$59,504
Larned state hospital – operating expenditures.....	\$20,798
Osawatomie state hospital – operating expenditures.....	\$850,311
Rainbow mental health facility – operating expenditures.....	\$714,011

(b) On the effective date of this act, of the \$175,661,600 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 85(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the LTC – medicaid assistance – NF account, the sum of \$19,918,995 is hereby lapsed.

(c) On the effective date of this act, of the \$126,577,754 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 85(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the other medical

assistance account, the sum of \$20,363,924 is hereby lapsed.

(d) On the effective date of this act, of the \$10,200,226 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 85(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the Parsons state hospital and training center – operating expenditures account, the sum of \$50,256 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) and section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for on the title XIX fund of the Kansas department for aging and disability services is hereby decreased from \$47,398,297 to \$46,542,666.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) and section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the Kansas neurological institute fee fund of the Kansas department for aging and disability services is hereby decreased from \$1,567,610 to \$1,523,400.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 85(b) of chapter 175 of the 2012 Session Laws of Kansas on the Larned state hospital fee fund of the Kansas department for aging and disability services is hereby increased from \$4,466,618 to \$5,112,693.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) and section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the Osawatomie state hospital fee fund of the Kansas department for aging and disability services is hereby decreased from \$9,209,629 to \$8,359,891.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) and section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the Rainbow mental health facility fee fund of the Kansas department for aging and disability services is hereby decreased from \$2,426,570 to \$1,712,559.

(j) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2013, 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 neurological institute – foster grandparents program – federal fund....No limit
Osawatomie State Hospital – cottage revenue and expenditures fund.....No limit

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2013, for the capital improvement project or projects specified, the following:

Parsons state hospital and training center – energy conservation
improvement debt service.....\$66,279

(l) During the fiscal year ending June 30, 2013, no moneys paid by the Kansas department for aging and disability 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 Kansas department for aging and disability services, the legislative division of post audit, or another state agency, access to its financial records upon request for such access.

Sec. 41.

KANSAS DEPARTMENT FOR CHILDREN and FAMILIES

(a) On the effective date of this act, of the \$30,133,787 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 86(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$1,698,000 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Youth services aid and assistance.....\$1,587,806

(c) On the effective date of this act, of the \$519,325 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 86(c) of chapter 175 of the 2012 Session Laws of Kansas from the children's initiatives fund in the children's cabinet accountability fund account, the sum of \$26,589 is hereby lapsed.

(d) On the effective date of this act, of the \$66,584 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 86(c) of chapter 175 of the 2012 Session Laws of Kansas from the children's initiatives fund in the early head start account, the sum of \$4,374 is hereby lapsed.

(e) On the effective date of this act, of the \$18,179,410 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 86(c) of chapter 175 of the 2012 Session Laws of Kansas from the children's initiatives fund in the early childhood block grant account, the sum of \$3,135 is hereby lapsed.

(f) On the effective date of this act, of the \$256,637 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 86(c) of chapter 175 of the 2012 Session Laws of Kansas from the children's initiatives fund in the reading roadmap program account, the sum of \$14,936 is hereby lapsed.

(g) On the effective date of this act, of the \$94,621,395 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 86(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the state operations account, the sum of \$82,328 is hereby lapsed.

Sec. 42.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

KPERS – employer contributions.....\$2,054,214

General state aid.....\$21,292,000

State match for Ft. Riley school construction.....\$1,500,000

(b) On the effective date of this act, of the \$700,000 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 88(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the moving expenses account, the sum of \$613,418 is hereby lapsed.

(c) On the effective date of this act, the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 88(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the technical education transportation account, is hereby lapsed.

(d) On the effective date of this act, of the \$6,012,355 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 88(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the school district juvenile

detention facilities and Flint Hills job corps center grants account, the sum of \$1,518,640 is hereby lapsed.

(e) 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, 2013, 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 education transportation state aid – state highway fund.....No limit
- Education technology coordinator fund.....No limit

(f) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state highway fund of the department of transportation to the technical education transportation state aid – state highway fund of the department of education.

(g) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$44,441 from the KAN-ED fund of the state board of regents to the education technology coordinator fund of the department of education.

Sec. 43.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

- Incentive for technical education.....\$1,500,000
- Tuition for technical education.....\$11,750,000

Sec. 44.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

- Operating expenditures.....\$18,790
- Topeka correctional facility – facilities operations.....\$23,254
- Hutchinson correctional facility – facilities operations.....\$34,487
- Lansing correctional facility – facilities operations.....\$46,961
- Ellsworth correctional facility – facilities operations.....\$28,705
- Winfield correctional facility – facilities operations.....\$23,763
- Norton correctional facility – facilities operations.....\$30,435
- El Dorado correctional facility – facilities operations.....\$54,839
- Larned correctional mental health facility – facilities operations.....\$21,997

(b) 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, 2013, 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:

- Community awareness project—federal fund.....No limit

(c) On the effective date of this act, of the \$24,360,048 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 103(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,790,652 is hereby lapsed.

(d) On the effective date of this act, of the \$49,784,426 appropriated for the above

agency for the fiscal year ending June 30, 2013, by section 103(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the treatment and programs account, the sum of \$144 is hereby lapsed.

(e) On the effective date of this act, of the \$126,786 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 143(b) of chapter 175 of the 2012 Session Laws of Kansas from the correctional institutions building fund in the debt service payment for the prison capacity expansion projects bond issue account, the sum of \$1,024 is hereby lapsed.

(f) On the effective date of this act, of the \$1,689,697 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 163(b) of chapter 118 of the 2011 Session Laws of Kansas from the correctional institutions building fund in the debt service payment for the revenue refunding bond issues account, the sum of \$66,816 is hereby lapsed.

(g) On the effective date of this act, during the fiscal year ending June 30, 2013, expenditures may be made by the above agency from the department of corrections forensic psychologist fund for general health care contract expenses.

Sec. 45.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Kansas juvenile correctional complex facility operations.....	\$48,917
Larned juvenile correctional facility operations.....	\$27,021

(b) On the effective date of this act, of the \$23,524,240 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 104(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the purchase of services account, the sum of \$203,559 is hereby lapsed.

Sec. 46.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

Civil air patrol – operating expenditures.....	\$384
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(b) On the effective date of this act, of the \$4,587,104 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 105(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$384 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2013, 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
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Sec. 47.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the fire marshal fee fund of the state fire marshal is hereby decreased from \$3,617,751 to \$3,576,513.

(b) On the effective date of this act, the expenditure limitation established for the

fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the hazardous material program fund of the state fire marshal is hereby decreased from \$373,763 to \$352,784.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the state fire marshal liquefied petroleum gas fee fund of the state fire marshal is hereby decreased from \$189,102 to \$170,814.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$59,714 from the hazardous material program fund of the state fire marshal to the fire marshal fee fund of the state fire marshal.

(e) During the fiscal year ending June 30, 2013, 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 2013, 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 2013 are insufficient to meet in full the estimated expenditures for fiscal year 2013 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 2013: *Provided*, That the aggregate amount of such transfers during fiscal year 2013 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 to the director of accounts and reports during fiscal year 2013, the director of the budget shall transmit a copy of such certification to the director of legislative research: *Provided further*, That on the effective date of this act, the provisions of section 106(e) of chapter 175 of the 2012 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 48.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$315,986 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol.

(b) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2013, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2013 for

the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Roof replacement – Salina.....\$505,322
Sec. 49.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) On the effective date of this act, of the \$450,000 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 108(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the meth lab cleanup account, the sum of \$384,785 is hereby lapsed.

Sec. 50.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the emergency medical services operating fund of the emergency medical services board is hereby decreased from \$1,342,408 to \$1,322,222.

Sec. 51.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2013, the following:

Interstate water issues.....\$3,110
Basin management.....\$5,058

Sec. 52.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2013, the following:

State fair debt service.....\$8,966

Sec. 53.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2013, the following:

SEDIF travel/tourism operating expense.....\$98,094
State parks operating expense.....\$132,075

(b) On the effective date of this act, of the \$3,445,734 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 123(a) of chapter 175 of the 2012 Session Laws of Kansas from the state economic development initiatives fund in the operating expense account, the sum of \$230,169 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the parks fee fund of the Kansas department of wildlife, parks and tourism is hereby increased from \$5,636,603 to \$5,965,933.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the boating fee fund of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,073,000 to \$929,526.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) of chapter 175 of the 2012 Session Laws of Kansas for the wildlife fee fund of the Kansas department of wildlife, parks

and tourism is hereby increased from \$26,040,564 to \$26,142,469.

(f) On the effective date of this act, of the \$1,785,473 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 115(c) of chapter 175 of the 2012 Session Laws of Kansas from the expanded lottery act revenues fund in the cabin loan payoff account, the sum of \$27,431 is hereby lapsed.

Sec. 54.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2013, by section 123(b) and section 124(c) of chapter 175 of the 2012 Session Laws of Kansas for the agency operations account of the state highway fund of the department of transportation is hereby decreased from \$286,159,433 to \$257,340,724.

Sec. 55. (a) The director of accounts and reports shall not make the transfer of \$1,000,000 prescribed to be transferred from the state general fund to the workers compensation fund of the insurance department by section 131(b)(2) of chapter 124 of the 2009 Session Laws of Kansas, which was directed to be made on or before June 30, 2012, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the workers compensation fund to the state general fund pursuant to section 10(a) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 131(b)(2) 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.

Sec. 56. (a) On the effective date of this act, of the \$7,158,744 appropriated for the department of social and rehabilitation services for the fiscal year ending June 30, 2012, by section 111(c) of chapter 118 of the 2011 Session Laws of Kansas from the children's initiatives fund in the children's cabinet early childhood discretionary grant program account, the sum of \$270 is hereby lapsed.

Sec. 57.

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, 2014.....\$21,816

For the fiscal year ending June 30, 2015.....\$21,471

Sec. 58.

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, 2014.....\$353,541

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2015.....\$354,728

Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund

For the fiscal year ending June 30, 2014.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2014, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2015.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2015, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2014, 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, 2014, 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, 2015, 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, 2015, 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. 59.

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, 2014.....\$11,256,037
Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2014, 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, 2014, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2015.....\$11,370,412
Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2015, 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, 2015, 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, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit

Consumer education settlement fund
 For the fiscal year ending June 30, 2014.....No limit
Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2014, 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, 2015.....No limit
Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2015, 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.

Litigation expense fund
 For the fiscal year ending June 30, 2014.....No limit
Provided, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2014, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2014, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, 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 litigation expense fund.

For the fiscal year ending June 30, 2015.....No limit
Provided, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2015, for costs, fees, and

expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*; That, during the fiscal year ending June 30, 2015, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, 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 litigation expense fund.

(b) During the fiscal years ending June 30, 2014, and June 30, 2015, 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. 60.

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, 2014.....\$153,575

For the fiscal year ending June 30, 2015.....\$153,609

Sec. 61.

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, 2014.....\$639,872

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2014, 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, 2014, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2014: And provided further, That, notwithstanding the provisions of K.S.A. 74-5311, and amendments thereto, or any other statute, expenditures may be made from the behavioral sciences regulatory board fee fund for the above agency to require that fees paid for any examination under the licensure of psychologists act of the state of Kansas be paid directly to the examination service by the person taking the examination.

For the fiscal year ending June 30, 2015.....\$661,334

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2015, 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, 2015, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2015.

Sec. 62.

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, 2014.....\$4,300,856

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2014, 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, 2014, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2014.

For the fiscal year ending June 30, 2015.....\$4,346,876

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2015, 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, 2015, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2015: *And provided further*, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2015, for a statewide education initiative to address management of chronic pain shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2015.

Sec. 63.

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, 2014.....\$764,220

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$750.

For the fiscal year ending June 30, 2015.....\$763,832

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$750.

Sec. 64.

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, 2014.....\$1,112,248

Provided, That expenditures from the credit union fee fund for the fiscal year ending

June 30, 2014, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2015.....\$1,126,345

Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$300.

Sec. 65.

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, 2014.....\$379,875

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2015..... \$391,037

Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$500.

Special litigation reserve fund

For the fiscal year ending June 30, 2014.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2014, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2015.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2015, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2014, 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, 2014, 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, 2015, 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, 2015, 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. 66.

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, 2014.....	\$286,893
For the fiscal year ending June 30, 2015.....	\$288,647

Sec. 67.

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, 2014.....	\$28,939
For the fiscal year ending June 30, 2015.....	\$27,919

Sec. 68.

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, 2014.....	\$2,144,988
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$500.	

For the fiscal year ending June 30, 2015.....	\$2,131,545
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$500.	

Gifts and grants fund	
For the fiscal year ending June 30, 2014.....	No limit
For the fiscal year ending June 30, 2015.....	No limit
Education conference fund	
For the fiscal year ending June 30, 2014.....	No limit
For the fiscal year ending June 30, 2015.....	No limit

Criminal background and fingerprinting fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Sec. 69.

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, 2014.....\$86,856
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$600.
 For the fiscal year ending June 30, 2015.....\$84,747
Provided, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$600.
 Optometry litigation fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Criminal history fingerprinting fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Sec. 70.

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, 2014.....\$821,149
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$1,500.
 For the fiscal year ending June 30, 2015.....\$828,922
Provided, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$1,500.
 State board of pharmacy litigation fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Harold Rogers prescription federal fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 NASPER grant federal fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Non-federal gifts and grants fund
 For the fiscal year ending June 30, 2014.....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 2014: *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 2014 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, 2015.....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 2015: *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 2015 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.

SAMSHA PMP integration federal fund

For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Sec. 71.

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, 2014.....\$288,788
Provided, That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$500.
 For the fiscal year ending June 30, 2015.....\$286,530
Provided, That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$500.
 Federal registry clearing fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 AMC federal registry clearing fund
 For the fiscal year ending June 30, 2014.....No limit
 For the fiscal year ending June 30, 2015.....No limit
 Appraisal management companies fee fund
 For the fiscal year ending June 30, 2014.....\$20,726
 For the fiscal year ending June 30, 2015.....\$31,695

Sec. 72.

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, 2014.....\$1,013,133

Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$200.

For the fiscal year ending June 30, 2015.....\$1,013,133

Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$200.

Real Estate recovery revolving fund

For the fiscal year ending June 30, 2014.....No limit

For the fiscal year ending June 30, 2015.....No limit

Background investigation fee fund

For the fiscal year ending June 30, 2014.....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, 2015.....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. 73.

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, 2014.....\$2,892,119

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2015.....\$2,891,289

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$2,000.

Investor education fund

For the fiscal year ending June 30, 2014.....No limit

Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$5,000.

For the fiscal year ending June 30, 2015.....No limit

Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$5,000.

Sec. 74.

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, 2014.....\$621,320

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2014, for official hospitality shall not exceed \$3,000.

For the fiscal year ending June 30, 2015.....\$633,827

Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$2,000.

Special litigation reserve fund

For the fiscal year ending June 30, 2014.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2014, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2015.....No limit

Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2015, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 75.

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, 2014.....\$295,114

Provided, That, in addition to the other purposes for which expenditures may be

made by the state board of veterinary examiners from the veterinary examiners fee fund for fiscal year 2014, expenditures shall be made by the above agency from the veterinary examiners fee fund for fiscal year 2014 for the formation of a task force to study and determine the best location of the state board of veterinary examiners, and for administration efficiency as well as the protection of public safety, health and welfare: *Provided further*, That the task force members shall be as follows: One member appointed by the governor, the executive director of the American association of veterinary state boards, the vice president of the state board of veterinary examiners, the Kansas animal health commissioner, and the executive vice president of the Kansas veterinary medical association: *And provided further*, That the task force shall establish veterinary licensing agency performance benchmarks; examine and evaluate national data pertaining to the performance of all 50 veterinary state boards and the correlations to agency organizational structures; study and make recommendations for organizational structures and approaches that most optimize the performance of agencies; and develop a specific strategy for the optimization of administrative efficiencies and oversight for the state board of veterinary examiners: *And provided further*, That the members of the task force shall serve without compensation or any other allowances authorized under the provisions of article 32 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto: *And provided further*, That the task force shall submit the findings and recommendations of the task force to the house committee on appropriations and the senate committee on ways and means during the 2014 regular legislative session.

For the fiscal year ending June 30, 2015.....\$295,114

Provided, That, if the task force created to study and determine the best location of the state board of veterinary examiners recommends that such board's powers, duties and functions be transferred and be a part of another state agency, and the governor and legislature approve of such transfer, then the secretary of administration shall certify such transfer and direct the director of accounts and reports to transfer \$295,114 from the veterinary examiners fee fund to the operating expenditures account of the state general fund or appropriate special revenue fund in the state treasury of such state agency to which the state board of veterinary examiners is being transferred: *Provided further*, That at the same time as the secretary of administration transmits any certification under this subsection to the director of accounts and reports during fiscal year 2014 or 2015, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 76.

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, 2014.....\$364,005

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

For the fiscal year ending June 30, 2015.....\$367,801

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(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, 2014.....	\$242,194
For the fiscal year ending June 30, 2015.....	\$252,968

Sec. 77.

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, 2014.....	\$15,007
For the fiscal year ending June 30, 2015.....	\$15,007

Sec. 78. *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 2013 or 2014 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, 2014.....	0.00
For the fiscal year ending June 30, 2015.....	0.00
Board of Accountancy	
For the fiscal year ending June 30, 2014.....	1.00
For the fiscal year ending June 30, 2015.....	1.00
State Bank Commissioner	
For the fiscal year ending June 30, 2014.....	109.00
For the fiscal year ending June 30, 2015.....	109.00
Kansas Board of Barbering	
For the fiscal year ending June 30, 2014.....	1.50
For the fiscal year ending June 30, 2015.....	1.50
Behavioral Sciences Regulatory Board	
For the fiscal year ending June 30, 2014.....	9.00
For the fiscal year ending June 30, 2015.....	9.00
State Board of Healing Arts	
For the fiscal year ending June 30, 2014.....	45.00
For the fiscal year ending June 30, 2015.....	45.00
Kansas State Board of Cosmetology	
For the fiscal year ending June 30, 2014.....	11.00
For the fiscal year ending June 30, 2015.....	11.00
State Department of Credit Unions	
For the fiscal year ending June 30, 2014.....	12.00
For the fiscal year ending June 30, 2015.....	12.00
Kansas Dental Board	
For the fiscal year ending June 30, 2014.....	3.00
For the fiscal year ending June 30, 2015.....	3.00

State Board of Mortuary Arts	
For the fiscal year ending June 30, 2014.....	3.00
For the fiscal year ending June 30, 2015.....	3.00
Board of Nursing	
For the fiscal year ending June 30, 2014.....	26.00
For the fiscal year ending June 30, 2015.....	26.00
Board of Examiners in Optometry	
For the fiscal year ending June 30, 2014.....	0.80
For the fiscal year ending June 30, 2015.....	0.80
State Board of Pharmacy	
For the fiscal year ending June 30, 2014.....	8.00
For the fiscal year ending June 30, 2015.....	8.00
Real Estate Appraisal Board	
For the fiscal year ending June 30, 2014.....	2.00
For the fiscal year ending June 30, 2015.....	2.00
Kansas Real Estate Commission	
For the fiscal year ending June 30, 2014.....	11.00
For the fiscal year ending June 30, 2015.....	11.00
Office of the Securities Commissioner of Kansas	
For the fiscal year ending June 30, 2014.....	30.00
For the fiscal year ending June 30, 2015.....	30.00
State Board of Technical Professions	
For the fiscal year ending June 30, 2014.....	5.00
For the fiscal year ending June 30, 2015.....	5.00
State Board of Veterinary Examiners	
For the fiscal year ending June 30, 2014.....	4.00
For the fiscal year ending June 30, 2015.....	4.00
Governmental Ethics Commission	
For the fiscal year ending June 30, 2014.....	7.50
For the fiscal year ending June 30, 2015.....	7.50
Kansas Home Inspectors Registration Board	
For the fiscal year ending June 30, 2014.....	0.00
For the fiscal year ending June 30, 2015.....	0.00

Sec. 79.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Legislative coordinating council – operations.....\$561,231

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Legislative research department – operations.....\$3,668,568

Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Office of revisor of statutes – operations.....\$3,158,662

Provided, That any unencumbered balance in the office of revisor of statutes –

operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund.....No limit
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, 2015, the following:

Legislative coordinating council – operations.....\$564,782

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Legislative research department – operations.....\$3,692,051

Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 20145

Office of revisor of statutes – operations.....\$3,177,613

Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2014, the following:

Operations (including official hospitality).....\$12,909,091

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 2014 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this account for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2014: The president of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: *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 2014: *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 2014: *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 2014: *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 2014.

Legislative information system.....\$4,495,108

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

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 2014 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this fund for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2014: The president of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant

majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: *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 2014: *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 2014: *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 2014: *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 2014.

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, 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.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operations (including official hospitality).....\$12,995,382

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures may be made from this account, 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 2015 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this account for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2015: The president of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: *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 2015: *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 2015: *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 2015: *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 2015.

Legislative information system.....\$4,512,330

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 2015 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the

provisions of K.S.A. 46-137b, and amendments thereto, or any other statute, no expenditures shall be made from this fund for allowances under K.S.A. 46-137b, and amendments thereto, for more than the following number of days in connection with discharging the duties assigned to the respective legislative officers in addition to days during the regular session or any special session, or for days for attendance at interim committee meetings during fiscal year 2015: The president of the senate and speaker of the house of representatives, not more than 30 days for each such officer; the majority and minority leaders of the senate and the house of representatives, not more than 20 days for each such officer; the speaker pro tem of the house of representatives and vice-president of the senate, not more than 10 days for each such officer; the assistant majority and minority leaders of the senate and house of representatives, not more than 5 days for each such officer; and no days for any other legislator in a leadership position of the senate or house of representatives: *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 2015: *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 2015: *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 2015: *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 2015.

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, 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. 83.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operations (including legislative post audit committee).....\$2,209,038

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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. 84.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operations (including legislative post audit committee).....\$2,209,038

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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. 85.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Governor's department.....\$2,187,173

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$3,759,848

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$833,673

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.

Lieutenant governor – operations.....\$170,083

Provided, That any unencumbered balance in the operations account of the Lieutenant governor in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(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, 2014, by subsection (a) from the state general fund in the governor's department account.

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2014, by subsection (a) from the state general fund in the lieutenant governor – operations account.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.

Lieutenant governor special programs fund.....No limit

Provided, That expenditures may be made from the lieutenant governor 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 lieutenant governor special program 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

Domestic violence grants fund.....No limit
Provided, That grants made for domestic violence prevention 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 and prevention as the official domestic violence or sexual assault coalition.

Child advocacy centers grant fund.....No limit
 (e) 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, 2014, in the lieutenant governor – operations account without limit at the discretion of the lieutenant governor.

Sec. 86.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Governor's department.....\$2,189,856

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants.....\$3,758,570

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers.....\$833,709

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

Lieutenant governor – operations.....\$170,083

Provided, That any unencumbered balance in the operations account of the Lieutenant governor in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(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, 2015, by subsection (a) from the state general fund in the governor's department account.

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2015, by subsection (a) from the state general fund in the

lieutenant governor – operations account.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.

Lieutenant governor special programs fund.....No limit

Provided, That expenditures may be made from the lieutenant governor 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 lieutenant governor special program 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
Domestic violence grants fund.....	No limit

Provided, That grants made for domestic violence prevention 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 and prevention as the official domestic violence or sexual assault coalition.

Child advocacy centers grant fund.....No limit

(e) 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, 2015, in the lieutenant governor – operations account without limit at the discretion of the lieutenant governor.

Sec. 87.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$5,039,165

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs.....\$75,000

Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Abuse, neglect and exploitation unit.....\$108,888

Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.

Child abuse grants.....\$75,000

Child exchange and visitation centers.....\$128,000

Provided, That notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2014, the above agency may use moneys in the child exchange and visitation centers account for matching funds.

Protection from abuse.....\$519,000

(b) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Private detective fee fund.....	No limit
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 \$471,058: *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.

Kansas attorney general batterer intervention program certification fund.....	No limit
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
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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. 2012 Supp. 21-5933, 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
- Roofing contractor registration fund.....No limit
- Human trafficking victim assistance fund.....\$0
- 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 prtnt/comm pol fund.....No limit
- Anti-gang initiative federal fund.....No limit
- Alcohol impaired driving entrmsr federal fund.....No limit
- Children's justice grant federal fund.....No limit
- Ed Byrne memorial JAG – ARRA federal fund.....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. 2012 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
DOT prohibit racial profiling.....No limit

(c) During the fiscal year ending June 30, 2014, 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, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$460,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.

(e) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000 from the Kansas endowment for youth fund to the sexually violent predator expense fund of the attorney general.

(f) During the fiscal year ending June 30, 2014, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2014 from the state general fund for the attorney general to another item of appropriation for fiscal year 2014 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.

(g) July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$6,000,000 from the court cost fund of the attorney general to the state general fund.

(h) On July 1, 2013, notwithstanding the provisions of K.S.A. 2012 Supp. 75-7c13, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the concealed handgun licensure fund of the attorney general to the state general fund.

(i) On July 1, 2013, notwithstanding the provisions of K.S.A. 2012 Supp. 21-5933, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,000,000 from the medicaid fraud prosecution revolving fund of the attorney general to the state general fund.

Sec. 88.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$4,328,627

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs.....\$76,826

Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Internet training education for Kansas kids.....\$290,091

Provided, That any unencumbered balance in the internet training education for

Kansas kids account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Abuse, neglect and exploitation unit.....\$107,168

Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.

Child abuse grants.....\$75,000

Child exchange and visitation centers.....\$128,000

Provided, That notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2015, the above agency may use moneys in the child exchange and visitation centers account for matching funds.

Protection from abuse.....\$519,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Private detective fee fund.....No limit

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 \$471,058: *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.

- Kansas attorney general batterer intervention program certification fund.....No limit
- 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. 2012 Supp. 21-5933, 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
- Roofing contractor registration fund.....No limit
- Human trafficking victim assistance fund.....\$0
- 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 prtnt/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
Ed Byrne memorial JAG – ARRA federal fund.....	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. 2012 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
DOT prohibit racial profiling.....	No limit

(c) During the fiscal year ending June 30, 2015, 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, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$460,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund of the attorney general.

(e) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$25,000 from the Kansas endowment for youth fund to the sexually violent predator expense fund of the attorney general

(f) During the fiscal year ending June 30, 2015, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2015 from the state general fund for the attorney general to another item of appropriation for fiscal year 2015 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.

(g) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,000,000 from the court cost fund of the attorney general to the state general fund.

(h) On July 1, 2014, notwithstanding the provisions of K.S.A. 2012 Supp. 75-7c13, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$400,000 from the concealed handgun licensure fund of the attorney general to the state general fund.

(i) On July 1, 2014, notwithstanding the provisions of K.S.A. 2012 Supp. 21-5933,

and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,000,000 from the medicaid fraud prosecution revolving fund of the attorney general to the state general fund.

(j) On July 1, 2014, the director of accounts and reports shall transfer \$30,000 from the debt collection administration cost recovery fund of the attorney general to the state general fund.

Sec. 89.

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, 2014, 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, 2014, 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 2014 by the above agency by this or other appropriation act of the 2013 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 2014 regular session of the legislature and detailing costs to local units of governments for conducting elections which include proposed constitutional amendments.

Sec. 90.

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, 2015, 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, 2015, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2015 by the above agency by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the 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 2015 regular session of the legislature and detailing costs to local units of governments for conducting elections which include proposed constitutional amendments.

Sec. 91.

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, 2014, 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.....\$1,559,572

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 2014, the state treasurer is hereby authorized and directed to credit the first \$1,559,572 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 2014 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 2014 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, 2014, 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, 2014, 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. 2012 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 2014, 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 2014, 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. 2012 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 the appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2012 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. 2012 Supp. 75-650, and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2014, 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

2014, 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. 2012 Supp. 74-50,136, and amendments thereto, and for which the Spirit bonds 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 Spirit bonds fund: *And provided further*; That, on or before the 10th day of each month commencing during fiscal year 2014, 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. 2012 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 2014, 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. 2012 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 2014, 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. 2012 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 2014, 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. 2012 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 2014, 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. 2012 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, 2014, 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 2014, 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 2014 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 2014, 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. 92.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund.....\$1,565,537

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 2015, the state treasurer is hereby authorized and directed to credit the first \$1,565,537 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 2015 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 2015 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, 2015, 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, 2015, 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
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Provided, That, notwithstanding the provisions of K.S.A. 2012 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 2015, 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 2015, 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. 2012 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 the appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2012 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. 2012 Supp. 75-650, and amendments thereto, or any other statute, moneys are hereby appropriated for the fiscal year ending June 30, 2015, 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 2015, 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. 2012 Supp. 74-50,136, and amendments thereto, and for which the Spirit bonds 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 Spirit bonds fund: *And provided further*; That, on or before the 10th day of each month commencing during fiscal year 2015, 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. 2012 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 2015, 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. 2012 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 2015, 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. 2012 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 2015, 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. 2012 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 2015, 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. 2012 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, 2015, 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 2015, 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 2015 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 2015, 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. 93.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now 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 2014 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 fiscal year 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) "2014 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 2014; (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) "2014 repayment amount" means the difference between the 2014 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 2014 shall not exceed the 2008 payment amount: *And provided further*; That the commissioner of insurance shall certify the 2014 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 the 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 2014 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
Private grants and gifts 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 2014 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.

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

(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 2014 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2014 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.

(c) On July 1, 2013, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,000,000 from the insurance department service regulation fund of the insurance department to the state general fund.

Sec. 94.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now 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 2015 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 fiscal year 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)

"2015 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 2015; (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) "2015 repayment amount" means the difference between the 2015 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 2015 shall not exceed the 2008 payment amount: *And provided further*, That the commissioner of insurance shall certify the 2015 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 the 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 2015 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
 Private grants and gifts 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 2015 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.

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

(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 2015 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2015 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.

(c) On July 1, 2014, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,000,000 from the insurance department service regulation fund of the insurance department to the state general fund.

Sec. 95.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2014, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures.....\$1,741,191

Provided, 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. 96.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2015, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures.....\$1,750,430

Provided, 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. 97.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund.....No limit
 Grants and gifts fund.....No limit

Provided, 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, 2014, 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, 2014, 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, such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

Sec. 98.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Judicial council fund.....No limit
- Grants and gifts fund.....No limit

Provided, 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, 2015, 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, 2015, 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, such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

Sec. 99.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

- Operating expenditures.....\$12,675,527

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$8,700,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2014:

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.....\$1,130,383

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the capital defense operations account is hereby reappropriated for fiscal year 2014: *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

Indigents' defense services operations.....\$156,847

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2014: *Provided further,* That expenditures may be made from the indigents' defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training grant fund.....No limit

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.

(c) During the fiscal year ending June 30, 2014, 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, 2014, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2014 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. 100.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$12,759,680

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures 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.....\$8,700,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2015: *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.....\$1,138,926

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the capital defense operations account is hereby reappropriated for fiscal year 2015: *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

Indigents' defense services operations.....\$156,847

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2015: *Provided further*, That expenditures may be made from the indigents' defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training grant fund.....No limit

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.

(c) During the fiscal year ending June 30, 2015, 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, 2015, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2015 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. 101.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Judiciary operations.....\$106,521,346

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary 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, if 2013 House Bill No. 2204, or any other legislation which grants the courts the authority to impose and collect a surcharge, is passed by the legislature during the 2013 regular session and enacted into law, then on July 1, 2013, of the \$106,521,346 appropriated for the above agency for the fiscal year ending June 30, 2014, by this section from the state general fund in the judiciary operations account, the sum of \$10,000,000 is hereby lapsed: *And provided further*, That in addition to other purposes for which expenditures may be made by the judicial branch from the judiciary operations account for fiscal year 2014, expenditures shall be made by the judicial branch from the judiciary operations account for fiscal year 2014 to fund the 14th court of appeals judge position and support staff.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund.....No limit
Judiciary technology fund.....No limit

Judicial branch gifts fund.....	No limit
Dispute resolution fund.....	No limit
Judicial branch education fund.....	No limit
<i>Provided</i> , 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: <i>Provided further</i> , That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , 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: <i>And provided further</i> , 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 fund	No limit
Child welfare federal grant fund.....	No limit
Child support enforcement contractual agreement fund.....	No limit
SJI grant 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 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
Judicial branch docket fee fund.....	No limit

(c) During the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 5-517, 20-166, 20-362, 20-367, 28-172b, 74-7325, 74-7334 or 75-7021, and amendments thereto, or any other statute, all moneys received from docket fees charged and collected by the clerks of the district courts to be deposited and credited in the access to justice fund, juvenile detention facilities fund, judicial branch education fund, crime victims assistance fund, protection from abuse fund, judiciary technology fund, dispute resolution fund, Kansas juvenile delinquency prevention trust fund, permanent families account in the family and children investment fund, trauma fund, child exchange and visitation centers fund, judicial branch nonjudicial salary adjustment fund, judicial branch nonjudicial salary initiative fund and indigents' defense services

fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the judicial branch docket fee fund.

Sec. 102.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Judiciary operations.....\$106,863,948

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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 judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*; That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*; That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*; That expenditures shall be made from the judiciary 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, if 2013 House Bill No. 2204, or any other legislation which grants the courts the authority to impose and collect a surcharge, is passed by the legislature during the 2013 regular session and enacted into law, then on July 1, 2013, of the \$106,863,948 appropriated for the above agency for the fiscal year ending June 30, 2015, by this section from the state general fund in the judiciary operations account, the sum of \$11,080,000 is hereby lapsed: *And provided further*; That in addition to other purposes for which expenditures may be made by the judicial branch from the judiciary operations account for fiscal year 2015, expenditures shall be made by the judicial branch from the judiciary operations account for fiscal year 2015 to fund the 14th court of appeals judge position and support staff.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund.....No limit
Judiciary technology fund.....No limit
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 fund	No limit
Child welfare federal grant fund.....	No limit
Child support enforcement contractual agreement fund.....	No limit
SJI grant 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 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
Judicial branch docket fee fund.....	No limit

(c) During the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 5-517, 20-166, 20-362, 20-367, 28-172b, 74-7325, 74-7334 or 75-7021, and amendments thereto, or any other statute, all moneys received from docket fees charged and collected by the clerks of the district courts to be deposited and credited in the access to justice fund, juvenile detention facilities fund, judicial branch education fund, crime victims assistance fund, protection from abuse fund, judiciary technology fund, dispute resolution fund, Kansas juvenile delinquency prevention trust fund, permanent families account in the family and children investment fund, trauma fund, child exchange and visitation centers fund, judicial branch nonjudicial salary adjustment fund, judicial branch nonjudicial salary initiative fund and indigents' defense services fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the judicial branch docket fee fund.

Sec. 103.

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, 2014, the following:

13th retirement check – debt service.....\$3,206,406

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

- Kansas public employees retirement fund.....No limit
- Provided*, 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 fundNo 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 credited 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 2014: *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, 2014.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2014, for the following specified purposes:

- Agency operations.....\$11,540,865
- 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, 2014, for the following specified purposes:

- Agency operations.....\$94,343
- Investment-related expenses.....No limit

(e) On July 1, 2013, 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, 2013, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$56,100,000.

Sec. 104.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas public employees retirement fund.....No limit
- Provided*, 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 fundNo 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 credited 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 2015: *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, 2015.

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2015, for the following specified purposes:

Agency operations.....\$11,589,460

Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses.....No limit
 KPERS technology project.....No limit
 (c) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2015, for the following specified purposes:

Agency operations.....\$94,978
 Investment-related expenses.....No limit

(d) On July 1, 2014, 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, 2014, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$56,200,000.

Sec. 105.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures\$1,067,132

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$200: *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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, and shall be credited to the education and training fund.

Sec. 106.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures\$1,073,070

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$200: *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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, and shall be credited to the education and training fund.

Sec. 107.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

- 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 2015 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 2015, 2016 and 2017.

- 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
- 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 conservation plan – 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 10th 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.

- Vehicle information systems network – federal fundNo 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
- Well plugging assurance fund.....No limit
- Energy grants management fund.....No limit
- State electricity regulators assistance – ARRA federal fund.....No limit
- KETA administrative fund.....No limit
- KETA development fund.....No limit

(b) Expenditures for the fiscal year ending June 30, 2014, 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 such 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 during fiscal year 2014 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.

(c) During the fiscal year ending June 30, 2014, 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 as 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.

(d) During the fiscal year ending June 30, 2014, 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.

(e) On July 1, 2013, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 66-1a01, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund of the state corporation commission to the KETA administrative fund of the state corporation commission.

(f) Expenditures for the fiscal year ending June 30, 2014, by the state corporation commission 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.

(g) During the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund, public service regulation fund and motor carrier license fee fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(h) On July 1, 2013, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund of the state corporation commission to the abandoned oil and gas well fund of the state corporation commission.

Sec. 108.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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 2016 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 2016, 2017 and 2018.

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
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 conservation plan – 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 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 10th 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.

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
Well plugging assurance fund.....	No limit
Energy grants management fund.....	No limit
KETA administrative fund.....	No limit
KETA development fund.....	No limit

(b) Expenditures for the fiscal year ending June 30, 2015, 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 such 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 during fiscal year 2015 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.

(c) During the fiscal year ending June 30, 2015, 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 as 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.

(d) During the fiscal year ending June 30, 2015, 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.

(e) On July 1, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 66-1a01, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund of the state corporation commission to the KETA administrative fund of the state corporation commission.

(f) Expenditures for the fiscal year ending June 30, 2015, by the state corporation

commission 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.

(g) During the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund, public service regulation fund and motor carrier license fee fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(h) On July 1, 2014, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund of the state corporation commission to the abandoned oil and gas well fund of the state corporation commission.

Sec. 109.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund.....\$816,322

(b) During the fiscal year ending June 30, 2014, 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 2014 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 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 2013, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2013 may be expended from the utility regulatory fee fund for fiscal year 2014 pursuant to contracts for professional services and any such expenditure for fiscal year 2014 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2014.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2014, 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. 110.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund.....\$819,928

(b) During the fiscal year ending June 30, 2015, 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 2015 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature or by any appropriation act of the 2015 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 2014, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2014 may be expended from the utility regulatory fee fund for fiscal year 2015 pursuant to contracts for professional services and any such expenditure for fiscal year 2015 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2015.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2015, 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. 111.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures\$5,840,520

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act: *And provided further*, That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2013, any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2013, any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2013, any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2013, any unencumbered balance in the facilities management account in excess of \$100 as of June 30, 2013, and any unencumbered balance in the account and reports account in excess of \$100 as of June 30, 2013, are hereby reappropriated to the department of administration operating expenditures account for fiscal year 2014.

Budget analysis.....\$1,304,885

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, 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.

Long-term care ombudsman.....\$250,262

Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service.....\$1,598,000

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2014, the following:

KPERS bond debt service.....\$34,541,151

Public broadcasting digital conversion debt service.....\$238,332

(c) There is appropriated for the above agency from the economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

Public broadcasting council grants.....\$600,000

Provided, 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: *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.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Public safety broadband services fund.....No limit

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
 Finney state office building Wichita security 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
 GIS contracting services 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
 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. 75-3765, 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. 75-3765, 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. 2012 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.

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 fix, 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.

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

Provided, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further*; 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 medical assistance program federal 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
Bioscience development fund.....	No limit

(e) On July 1, 2013, 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.

(f) During the fiscal year ending June 30, 2014, 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.

(g) 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 2014 by this or other appropriation act of the 2013 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 2014 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.

(h) (1) On July 1, 2013, 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 50% 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, 2014, except that such amount shall be proportionally adjusted during fiscal year 2014 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2014. 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 2013 and fiscal year 2014 in determining the

amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2014 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2014, 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 2014.

(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 (j) 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.

(i) (1) On July 1, 2013, 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, 2014, except that such amount shall be proportionally adjusted during fiscal year 2014 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2014. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2014 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2014, 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 2014.

(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.

(j) (1) On July 1, 2013, 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, 2014, except that such amount shall be proportionally adjusted during fiscal year 2014 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2014. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2014 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2014, 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 2014.

(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.

(k) (1) On July 1, 2013, 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 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2014, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2014 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2014, 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 2014.

(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 (g) 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.

(l) During the fiscal year ending June 30, 2014, 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, 2014, from the state general fund for the department of administration to another item of appropriation for fiscal year 2014 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.

(m) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2014, the following:

SIBF – state building insurance\$225,000

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.

(n) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2014, the following:

CIBF – state building insurance.....\$225,000

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.

(o) On July 1, 2013, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2014, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services 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 2014 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.

(p) (1) On July 1, 2013, 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, 2013, pursuant to section 72(o)(10)(D) of chapter 175 of the 2012 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, 2013, 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 (p), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2014.

(3) (A) (i) Prior to August 15, 2013, 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 2014 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 2014.

(ii) On or before June 30, 2014, 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 2014, 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 (p)(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, 2013, 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 2013 and which were not reappropriated for fiscal year 2014, as determined by the director of the budget: *Provided*, That, as used in this subsection (p)(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 2013 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 2013 regular session of the legislature.

(C) Prior to August 15, 2013, 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, 2012, that were released during fiscal year 2013, and that were not specifically reappropriated by an appropriation act of the 2013 regular session of the legislature.

(4) (A) On August 15, 2013, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(i), the appropriation for fiscal year 2014 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2014, by this or other appropriation act of the 2013 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(A)(i).

(B) On June 30, 2014, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(ii), the appropriation for fiscal year 2014 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2014, by this or other appropriation act of the 2013 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(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 (p)(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, 2013, 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 (p): *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 (p). 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, 2013, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (p) (6), the appropriation for fiscal year 2014 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, 2014, by this or other appropriation act of the 2013 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (p)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (p), 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 2014.

(8) (A) On or before September 1, 2013, after receipt of each certification by the director of the budget pursuant to this subsection (p), 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 (p)(3) and subsection (p)(6) in accordance with such certifications.

(B) On September 1, 2013, 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, 2013, 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 (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2014.

(D) On or before June 30, 2014, after receipt of each certification by the director of the budget pursuant to subsection (p)(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 (p)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2014, 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, 2014, 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 (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2014.

(G) On June 30, 2014, 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 (p) and all reductions and adjustments thereto made pursuant to this subsection (p). 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 (p), "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 (p) 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 (p);

(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 (p), 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 (p), 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, 2013, 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.

(q) During the fiscal year ending June 30, 2014, 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 2014 by this or other appropriation act of the 2013 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 2014, 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.

(r) (1) On July 1, 2013, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall

record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget which shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2014, except that such amount shall be proportionally adjusted during fiscal year 2014 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2014. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2014 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2014, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2014.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues 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 expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(s) On July 1, 2013, notwithstanding the provisions of K.S.A. 2012 Supp. 76-7,106, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$112,706 from the statewide maintenance and disaster relief fund of the department of administration to the state general fund.

(t) On July 1, 2013, the director of accounts and reports shall transfer \$400,000 from the Curtis office building reserve fund of the department of administration to the state general fund.

(u) On July 1, 2013, notwithstanding the provisions of K.S.A. 75-3765, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the building and grounds fund of the department of administration to the state general fund.

(v) On July 1, 2013, notwithstanding the provisions of K.S.A. 75-3652, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$38,566 from the property contingency fund of the department of administration to the state general fund.

(w) (1) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014, by this or other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 for operating expenditures to abolish 70% of all vacant positions in each state agency that are vacant for more than 120 calendar days as of June 30, 2013, in accordance with this subsection.

(2) On or before June 30, 2013, the head of each state agency and the director of the budget shall consult and shall jointly certify to the secretary of administration the number of vacant positions in the state agency that are vacant for more than 120

calendar days as of June 30, 2013, and which vacant positions constitute the 70% of such vacant positions that shall be abolished for the state agency, in accordance with this subsection: *Provided*, That, upon receipt of each such certification, the secretary of administration shall abolish the certified vacant positions on or before July 30, 2013, and any associated full-time or regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year 2014 are hereby deleted: *Provided further*, That, at the same time as such certification is transmitted to the secretary of administration, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(3) Except as provided further, on July 1, 2013, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2014, by this or other appropriation act of the 2013 regular session of the legislature, and that is budgeted for payment of salaries and wages, and associated fringe benefits, of such abolished vacant positions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2014, is hereby lapsed from each such account: *Provided, however*; That the provisions of this paragraph shall not apply to any agency in the legislative branch: *Provided further*; That 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.

(4) As used in this subsection, "state agency" means each state agency named in chapter 175 of the 2012 Session Laws of Kansas or in this or other appropriation act of the 2013 regular session of the legislature, except that "state agency" shall not include: The judicial branch or any agency of the judicial branch of state government; the department of corrections; the Kansas highway patrol; the Kansas department of wildlife, parks and tourism; and Rainbow mental health facility.

Sec. 112.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures\$5,868,938

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000: *Provided further*; That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act.

Budget analysis.....\$1,414,573

Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, 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.

Long-term care ombudsman.....\$251,984

Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service.....\$2,738,000

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2015, the following:

KPERS bond debt service.....\$33,397,483

Public broadcasting digital conversion debt service.....\$234,769

(c) There is appropriated for the above agency from the economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

Public broadcasting council grants.....\$600,000

Provided, 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: *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.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Public safety broadband services fund.....No limit

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
 - Finney state office building Wichita security 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
 - GIS contracting services 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
 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. 75-3765, 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. 75-3765, 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. 2012 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.

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 fix, 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.

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

State gaming revenues fund.....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 medical assistance program	
federal 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
Bioscience development fund.....	No limit

(e) On July 1, 2014, 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.

(f) During the fiscal year ending June 30, 2015, 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.

(g) 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 2015 by this or other appropriation act of the 2013 or 2014 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 2015 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.

(h) (1) On July 1, 2014, 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 50% 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, 2015, except that such amount shall be proportionally adjusted during fiscal year 2015 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2015. 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 2014 and fiscal year 2015 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2015 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2015, 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 2015.

(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 (j) 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.

(i) (1) On July 1, 2014, 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, 2015, except that such amount shall be proportionally adjusted during fiscal year 2015 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2015. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2015 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2015, 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 2015.

(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.

(j) (1) On July 1, 2014, 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, 2015, except that such amount shall be proportionally adjusted during fiscal year 2015 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2015. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2015 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2015, 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 2015.

(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.

(k) (1) On July 1, 2014, 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 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2015, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2015 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2015, 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 2015.

(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 (g) 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.

(l) During the fiscal year ending June 30, 2015, 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, 2015, from the state general fund for the department of administration to another item of appropriation for fiscal year 2015 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.

(m) There is appropriated for the above agency from the state institutions building

fund for the fiscal year ending June 30, 2015, the following:

SIBF – state building insurance\$236,250

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.

(n) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2015, the following:

CIBF – state building insurance.....\$236,250

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.

(o) On July 1, 2014, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2015, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services 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 2015 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.

(p) (1) On July 1, 2014, 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, 2014, pursuant to section 57(p)(10)(D) of this act, 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, 2014, 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 (p), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2015.

(3) (A) (i) Prior to August 15, 2014, 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 2015 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 2015.

(ii) On or before June 30, 2015, 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 2015, 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 (p)(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, 2014, 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 2014 and which were not reappropriated for fiscal year 2015, as determined by the director of the budget: *Provided*, That, as used in this subsection (p)(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 2013 or 2014 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 2013 or 2014 regular session of the legislature.

(C) Prior to August 15, 2014, 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, 2013, that were released during fiscal year 2014, and that were not specifically reappropriated by an appropriation act of the 2013 or 2014 regular session of the legislature.

(4) (A) On August 15, 2014, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(i), the appropriation for fiscal year 2015 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2015, by this or other appropriation act of the 2013 or 2014 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(A)(i).

(B) On June 30, 2015, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(ii), the appropriation for fiscal year 2015 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2015, by this or other appropriation act of the 2013 or 2014 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(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 (p)(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, 2014, 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 (p): *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 (p). 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, 2014, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (p) (6), the appropriation for fiscal year 2015 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, 2015, by this or other appropriation act of the 2013 or 2014 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (p)(6).

(7) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (p), 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 2015.

(8) (A) On or before September 1, 2014, after receipt of each certification by the director of the budget pursuant to this subsection (p), 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 (p)(3) and subsection (p)(6) in accordance with such certifications.

(B) On September 1, 2014, 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, 2014, 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 (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2015.

(D) On or before June 30, 2015, after receipt of each certification by the director of the budget pursuant to subsection (p)(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 (p)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2015, 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, 2015, 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 (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2015.

(G) On June 30, 2015, 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 (p) and all reductions and adjustments thereto made pursuant to this subsection (p). 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 (p), "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 (p) 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 (p);

(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 (p), 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 (p), 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, 2014, 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.

(q) During the fiscal year ending June 30, 2015, 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 2015 by this or other appropriation act of the 2013 or 2014 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 2015, 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.

(r) (1) On July 1, 2014, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget which shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2015, except that such amount shall be proportionally adjusted during fiscal year 2015 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2015. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2015 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2015, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act

revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2015.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues 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 expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(s) (1) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015, by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2015 for operating expenditures to abolish 70% of all vacant positions in each state agency that are vacant for more than 120 calendar days as of June 30, 2014, in accordance with this subsection.

(2) On or before June 30, 2014, the head of each state agency and the director of the budget shall consult and shall jointly certify to the secretary of administration the number of vacant positions in the state agency that are vacant for more than 120 calendar days as of June 30, 2014, and which vacant positions constitute the 70% of such vacant positions that shall be abolished for the state agency, in accordance with this subsection: *Provided*, That, upon receipt of each such certification, the secretary of administration shall abolish the certified vacant positions on or before July 30, 2014, and any associated full-time or regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year 2015 are hereby deleted: *Provided further*, That, at the same time as such certification is transmitted to the secretary of administration, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(3) Except as provided further, on July 1, 2014, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2015, by this or other appropriation act of the 2013 or 2014 regular session of the legislature, and that is budgeted for payment of salaries and wages, and associated fringe benefits, of such abolished vacant positions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2015, is hereby lapsed from each such account: *Provided, however*, That the provisions of this paragraph shall not apply to any agency in the legislative branch: *Provided further*, That 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.

(4) As used in this subsection, "state agency" means each state agency named in chapter 175 of the 2012 Session Laws of Kansas or in this or other appropriation act of the 2013 or 2014 regular session of the legislature, except that "state agency" shall not include: The judicial branch or any agency of the judicial branch of state government; the department of corrections; the Kansas highway patrol; the Kansas department of wildlife, parks and tourism; and Rainbow mental health facility.

(t) On July 1, 2014, notwithstanding the provisions of K.S.A. 75-3765, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the building and grounds fund of the department of administration to the state general fund.

Sec. 113.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings office fund.....No limit

Provided, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

Sec. 114.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings office fund.....No limit

Provided, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

Sec. 115.

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, 2014, the following:

Operating expenditures.....\$807,533

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund.....\$5,000

COTA filing fee fund.....\$1,005,186

Sec. 116.

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, 2015, the following:

Operating expenditures.....\$857,536

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund.....\$4,431

COTA filing fee fund.....\$1,005,857
 Sec. 117.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$14,365,987
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014:
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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund.....No limit
 Division of vehicles operating fund.....\$46,949,484

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, 2014: *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
 Conversion of materials and equipment fund.....No limit
 Forfeited property fee fund.....No limit
 Set-off 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 state 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
- Oil and gas valuation depletion trust 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
- State emergency fund – business restoration assistance.....No limit
- State emergency fund – southeast Kansas business recovery assistance.....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
Motor carrier permits escrow 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

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.

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

Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from the 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.

Photo fee fund.....No limit
Provided, That, notwithstanding the provisions of K.S.A. 2012 Supp. 8-299, and 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
Byrne grant national motor vehicle title information systems federal fund.....No limit
Enforcing underage drinking federal fund.....No limit
FDA tobacco program federal fund.....No limit
Commercial vehicle administrative system fund.....No limit

(c) On July 1, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, the director of accounts and reports shall transfer \$11,241,926 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, 2013, 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 to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2013, 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 Kansas department for children and families 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.

(f) On July 1, 2013, the director of accounts and reports shall transfer \$50,000 from the reappraisal reimbursement fund of the department of revenue to the state general fund.

Sec. 118.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$14,470,417

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from 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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund.....No limit

Division of vehicles operating fund.....\$47,203,073

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, 2015: *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

Conversion of materials and equipment fund.....No limit

Forfeited property fee fund.....No limit

Set-off 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 state 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
- Oil and gas valuation depletion trust 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
- State emergency fund – business restoration assistance.....No limit
- State emergency fund – southeast Kansas business recovery assistance.....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
Motor carrier permits escrow 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

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.

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

Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from the 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.

Photo fee fund.....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 2012 Supp. 8-299, and 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.</i>	
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
Byrne grant national motor vehicle title information systems federal fund.....	No limit
Enforcing underage drinking federal fund.....	No limit
FDA tobacco program federal fund.....	No limit
Commercial vehicle administrative system fund.....	No limit

(c) On July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, the director of accounts and reports shall transfer \$11,320,975 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, 2014, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the set-off services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2014, 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 Kansas department for children and families 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.

(f) On July 1, 2014, the director of accounts and reports shall transfer \$30,000 from the reappraisal reimbursement fund of the department of revenue to the state general fund.

Sec. 119.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, (1) an amount of not less than \$2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2013, and (2) an amount of not less than \$4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2013, and on or before the 15th of each month thereafter through June 15, 2014: *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, 2014: *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 2014 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, 2014, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,700,000: *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 2014 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 2014 is equal to or more than \$74,520,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2014 pursuant to this subsection shall be equal to or more than \$74,520,000: *And provided further*, That the transfers prescribed by this subsection shall be the maximum amount possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *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 2014.

(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, 2014, 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. 2012 Supp. 74-8724, and amendments thereto, during fiscal year 2014: *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, 2014, 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. 2012 Supp. 74-8724, and amendments thereto, during fiscal year 2014: *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.

Sec. 120.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, (1) an amount of not less than \$2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2014, and (2) an amount of not less than \$4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2014, and on or before the 15th of each month thereafter through June 15, 2015: *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, 2015: *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 2015 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, 2015, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,700,000: *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 2015 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 2015 is equal to or more than \$72,300,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2015 pursuant to this subsection shall be equal to or more than

\$72,300,000: *And provided further*, That the transfers prescribed by this subsection shall be the maximum amount possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *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 2015.

(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, 2015, 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. 2012 Supp. 74-8724, and amendments thereto, during fiscal year 2015: *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, 2015, 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. 2012 Supp. 74-8724, and amendments thereto, during fiscal year 2015: *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.

Sec. 121.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- State racing fund.....No limit
- 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. 2012 Supp. 74-8767, and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso 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. 2012 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 official hospitality shall not exceed \$1,500.

Expanded lottery regulation fund.....	No limit
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Provided, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed \$1,500.

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
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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, 2013, 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, 2014, 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 2014 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 2014 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, 2014, 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 2014 for the Kansas racing and gaming commission by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2014 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 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 wildlife, parks and tourism that is directed to be made on or before June 30, 2014, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and shall transfer on or before June 30, 2014, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2014, 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, 2014, 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 or expected to be 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 otherwise 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 and after July 1, 2013, during the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, no moneys appropriated for the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2014 shall be expended by the Kansas racing and gaming commission for the purposes of compensation of members of such commission for performing the duties and functions of the commission, except that such members shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(i) On July 1, 2013, notwithstanding the provisions of K.S.A. 2012 Supp. 74-8842, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$39,681 from the greyhound promotion and development fund of the Kansas racing and gaming commission to the state general fund.

(j) On July 1, 2013, notwithstanding the provisions of K.S.A. 2012 Supp. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$87,012 from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the economic development initiatives fund.

Sec. 122.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund.....	No limit
<i>Provided</i> , 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. 2012 Supp. 74-8767, and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso 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. 2012 Supp. 74-8767, and amendments thereto.

Racing investigative expense fund.....	No limit
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Horse fair racing benefit fund.....No limit
 Tribal gaming fund.....No limit
Provided, That expenditures from the tribal gaming fund for official hospitality shall not exceed \$1,500.

Expanded lottery regulation fund.....No limit
Provided, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed \$1,500.

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, 2014, 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, 2015, 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 2015 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 2015 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, 2015, 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 2015 for the Kansas racing and gaming commission by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2015 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 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 wildlife, parks and tourism that is directed to be made on or before June 30, 2015, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and shall transfer on or before June 30, 2015, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2015, 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, 2015, 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 or expected to be 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 otherwise 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 and after July 1, 2014, during the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, no moneys appropriated for the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2015 shall be expended by the Kansas racing and gaming commission for the purposes of compensation of members of such commission for performing the duties and functions of the commission, except that such members shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 123.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

- Older Kansans employment program.....\$253,046
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the older Kansans employment program account is hereby reappropriated for fiscal year 2014.
- Rural opportunity zones program.....\$1,829,084
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2014.
- Senior community service employment program.....\$8,071
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the senior community service employment program account is hereby reappropriated for fiscal year 2014.
- Strong military bases program.....\$100,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the strong military bases program account is hereby reappropriated for fiscal year 2014.
- Governor's council of economic advisors.....\$186,062
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2014.
- Innovation growth program.....\$1,567,983
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the innovation growth program account is hereby reappropriated for fiscal year 2014.
- Creative arts industries commission.....\$200,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the creative arts industries commission account is hereby reappropriated for fiscal year 2014.
- Employment incentive for persons with a disability.....\$450,000
- Operating grant (including official hospitality).....\$7,416,069
Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for

fiscal year 2014: *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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund.....	No limit
Kan-grow engineering fund – KU.....	\$3,500,000
Kan-grow engineering fund – KSU.....	\$3,500,000
Kan-grow engineering fund – WSU.....	\$3,500,000
Kansas creative arts industries commission special gifts fund.....	No limit
Governor's council of economic advisors private operations 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
Reimbursement and recovery fund.....	No limit
Community development block grant – federal fund.....	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

Provided, 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
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Provided, 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 existing industry expansion fund.....	No limit
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Provided, 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: *Provided further*, 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
Disabled veterans outreach 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.....	No limit

Provided, That during the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 2012 Supp. 74-50,150, and amendments thereto, or any other statute, the above agency shall expend the moneys in the state affordable airfare fund as a grant given directly to the city or county which received moneys from the state affordable airfare fund during fiscal year 2013: *Provided further*, That such grant from such fund shall be in the same amount as was received in fiscal year 2013: *And provided further*, That any city or county which receives such grant shall submit an annual report to the legislature on or before May 1, 2014: *And provided further*, That the annual report shall be delivered and the representatives of each such city or county shall appear in person to the house committee on commerce and 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 the city or county and an analysis of the data used by the city or county: *And provided further*, That the secretary of commerce shall submit a report and appear in person to the house committee on commerce and 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
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
Child care/development block grant – federal fund.....	No limit
Green jobs grant – federal fund.....	No limit
Enterprise facilitation fund.....	No limit
Unemployment insurance – federal fund.....	No limit
State small business credit initiative – federal fund.....	No limit
SBA step grant – federal fund.....	No limit
H-1B technical skills training grant – federal fund.....	No limit
Creative arts industries commission gifts, grants and bequests – federal 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
Kansas creative arts industries commission checkoff fund.....	No limit

(c) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2014, 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 2014, in accordance with the provisions of this or other appropriation act of the 2013 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.

(d) 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 2014 for the department of commerce as authorized by this or other appropriation act of the 2013 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2014 for official hospitality.

(e) On or after July 1, 2013, notwithstanding the provisions of K.S.A. 2012 Supp. 74-50,150, and amendments thereto, or any other statute, 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 city or county and the progress attained by the city or county during the fiscal year 2013 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 located in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund to the state affordable airfare fund of the department of commerce.

(f) Any unencumbered balance in excess of \$100 as of June 30, 2013, in each of the following accounts of the state general fund is hereby reappropriated for the above agency for fiscal year 2014: Employment incentive for persons with a disability.

(g) Any unencumbered balance of the air service incentive fund account of the state economic development initiatives fund in excess of \$100 as of June 30, 2013, is hereby

reappropriated for fiscal year 2014.

(h) On July 1, 2013, the creative industries commission gifts, grants and bequests – federal fund of the department of commerce is hereby redesignated as the creative arts industries commission gifts, grants and bequests – federal fund of the department of commerce.

(i) Any unencumbered balance in the creative industries commission account of the state economic development initiatives fund in excess of \$100 as of June 30, 2013, is hereby reappropriated to the creative arts industries commission account of the state economic development initiatives fund for fiscal year 2014.

(j) During the fiscal year ending June 30, 2014, the secretary of commerce, 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, 2014, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2014 from the state economic development initiatives fund for the department of commerce. The secretary of commerce 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) On July 1, 2013, the director of accounts and reports shall transfer \$13,700,000 from the economic development initiatives fund to the state general fund.

(l) On July 1, 2013, the director of accounts and reports shall transfer \$1,000,000 from the reimbursement and recovery fund to the state general fund.

Sec. 124.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Animal health research grant.....\$5,000,000

Provided, That all moneys in the animal health research grant account for fiscal year 2015 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 2015 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 2015.

Aviation research grant.....\$5,000,000

Provided, That all moneys in the aviation research grant account for fiscal year 2015 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 2015 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the 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 2015.

Cancer center research grant.....\$5,000,000
Provided, That all moneys in the cancer center research grant account for fiscal year 2015 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 2015 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 2015.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

Older Kansans employment program.....\$253,139
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the older Kansans employment program account is hereby reappropriated for fiscal year 2015.

Rural opportunity zones program.....\$1,831,012
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2015.

Senior community service employment program.....\$8,100
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the senior community service employment program account is hereby reappropriated for fiscal year 2015.

Strong military bases program.....\$100,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the strong military bases program account is hereby reappropriated for fiscal year 2015.

Governor's council of economic advisors.....\$186,205
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the governor's council of economic advisors account is hereby reappropriated for fiscal year 2015.

Innovation growth program.....\$1,568,648
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the innovation growth program account is hereby reappropriated for fiscal year 2015.

Creative arts industries commission.....\$200,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the creative arts industries commission account is hereby reappropriated for fiscal year 2015.

Employment incentive for persons with a disability.....\$450,000
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the employment incentive for persons with a disability account is hereby reappropriated for fiscal year 2015.

Operating grant (including official hospitality).....\$9,162,358
Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures may be made from the 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.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund.....	No limit
Kan-grow engineering fund – KU.....	\$3,500,000
Kan-grow engineering fund – KSU.....	\$3,500,000
Kan-grow engineering fund – WSU.....	\$3,500,000
Kansas creative arts industries commission special gifts fund.....	No limit
Governor's council of economic advisors private operations 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
Reimbursement and recovery fund.....	No limit
Community development block grant – federal fund.....	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

Provided, 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
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Provided, 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 existing industry expansion fund.....	No limit
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Provided, 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: *Provided further*, 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

Disabled veterans outreach 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.....	No limit

Provided, That during the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 2012 Supp. 74-50,150, and amendments thereto, or any other statute, the above agency shall expend the moneys in the state affordable airfare fund as a grant given directly to the city or county which received moneys from the state affordable airfare fund during fiscal year 2014: *Provided further*, That such grant from such fund shall be in the same amount as was received in fiscal year 2014: *And provided further*, That any city or county which receives such grant shall submit an annual report to the legislature on or before May 1, 2015: *And provided further*, That the annual report shall be delivered and the representatives of each such city or county shall appear in person to the house committee on commerce and 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 the city or county and an analysis of the data used by the city or county: *And provided further*, That the secretary of commerce shall submit a report and appear in person to the house committee on commerce and 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
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
Child care/development block grant – federal fund.....	No limit
Green jobs grant – federal fund.....	No limit
Enterprise facilitation fund.....	No limit
Unemployment insurance – federal fund.....	No limit
State small business credit initiative – federal fund.....	No limit
SBA step grant – federal fund.....	No limit
H-1B technical skills training grant – federal fund.....	No limit
Creative arts industries commission gifts, grants and bequests – federal 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
Kansas creative arts industries commission checkoff fund.....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2015, 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 2015, in accordance with the provisions of this or other appropriation act of the 2013 or 2014 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 2015 for the department of commerce as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2015 for official hospitality.

(f) On or after July 1, 2014, notwithstanding the provisions of K.S.A. 2012 Supp. 74-50,150, and amendments thereto, or any other statute, 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 city or county and the progress attained by the city or county during the fiscal year 2014 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 located in western Kansas. At the same time as such certification is transmitted to the director of accounts and reports and the director of the budget, the secretary of commerce shall transmit a copy of such certification to the director of the legislative research department. Upon receipt of such certification from the secretary of commerce, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund to the state affordable airfare fund of the department of commerce.

(g) Any unencumbered balance of the air service incentive fund account of the state economic development initiatives fund in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(h) During the fiscal year ending June 30, 2015, the secretary of commerce, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2015, from the state economic

development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2015 from the state economic development initiatives fund for the department of commerce. The secretary of commerce shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) On July 1, 2014, the director of accounts and reports shall transfer \$11,700,000 from the economic development initiatives fund to the state general fund.

(j) On July 1, 2014, the director of accounts and reports shall transfer \$500,000 from the reimbursement and recovery fund to the state general fund.

Sec. 125.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 for the purposes of administering and supporting housing programs of the Kansas housing resources corporation.

Sec. 126.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 for the purposes of administering and supporting housing programs of the Kansas housing resources corporation.

Sec. 127.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$294,754

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, 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, 2014, 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 further*, 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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund.....\$14,727,889

Occupational health and safety – federal fund.....	No limit
Boiler inspection fee fund.....	No limit
Employment security interest assessment fund.....	No limit
Special employment security fund.....	No limit
Employment security administration 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.....	\$191,969
Employment security fund.....	No limit
Labor force statistics federal fund.....	No limit
Compensation and working conditions federal fund.....	No limit
Employment services Wagner-Peyser funded activities federal fund.....	No limit
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 further*, 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.

(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 2014 as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2014 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 2014 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 \$2,646,100.

(d) On July 1, 2013, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$300,000 from the federal indirect cost offset fund of the department of labor to the state general fund.

Sec. 128.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$332,943
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, 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, 2015, 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 further*; 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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund.....	\$13,425,942
Occupational health and safety – federal fund.....	No limit
Boiler inspection fee fund.....	No limit
Employment security interest assessment fund.....	No limit
Special employment security fund.....	No limit
Employment security administration 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.....	\$193,337
Employment security fund.....	No limit
Labor force statistics federal fund.....	No limit
Compensation and working conditions federal fund.....	No limit
Employment services Wagner-Peyser funded activities federal fund.....	No limit
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 further*; 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.

(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 2015 as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2015 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 2015 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 \$2,642,330.

(d) On July 1, 2014, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the federal indirect cost offset fund of the department of labor to the state general fund.

Sec. 129.

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures – veteran services.....\$1,187,069
Provided, That any unencumbered balance in the operating expenditures – veterans services account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state veterans cemeteries\$546,049
Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas soldiers' home.....\$1,755,361
Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Operating expenditures – Kansas veterans' home.....\$2,091,124
Provided, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Scratch lotto – Kansas veterans' home.....\$100,067
 Scratch lotto – veterans services.....\$317,459
 Scratch lotto – Kansas soldiers' home.....\$73,315
 Scratch lotto – veterans cemeteries.....\$152,005
 Operating expenditures – administration.....\$470,556

Provided, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Veterans claim assistance program – service grants.....\$602,200
Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund.....\$1,718,194
 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.....	\$2,906,777
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.....	No limit
Federal domiciliary per diem fund.....	\$1,447,882
Federal long term care per diem fund.....	\$4,869,092
Commission on veterans affairs federal fund.....	\$197,820
Kansas veterans memorials fund.....	No limit
Vietnam war era veterans' recognition award fund.....	No limit
Kansas hometown heroes fund.....	No limit

(c) (1) During the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2012 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) As used in this subsection (c), "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.

(d) During the fiscal year ending June 30, 2014, 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, 2014, 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 to another item of appropriation for fiscal year 2014 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.

(e) On July 1, 2013, the veterans home federal fund of the Kansas commission on

veterans affairs is hereby redesignated as the federal domiciliary per diem fund of Kansas commission on veterans affairs.

(f) On July 1, 2013, the soldiers home federal fund of the Kansas commission on veterans affairs is hereby redesignated as the federal long term care per diem fund of Kansas commission on veterans affairs.

(g) During the fiscal year ending June 30, 2014, 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, 2014, from the state general fund for the Kansas commission on veterans affairs to the Vietnam war era veterans' recognition award fund. 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. 130.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures – veteran services.....	\$1,193,831
<i>Provided</i> , That any unencumbered balance in the operating expenditures – veterans services account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: <i>Provided, however</i> ; That expenditures from this account for official hospitality shall not exceed \$1,500.	
Operations – state veterans cemeteries	\$549,451
<i>Provided</i> , That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: <i>Provided further</i> ; That expenditures from this account for official hospitality shall not exceed \$1,200.	
Operating expenditures – Kansas soldiers' home.....	\$1,767,354
<i>Provided</i> , That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Operating expenditures – Kansas veterans' home.....	\$2,130,962
<i>Provided</i> , That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Scratch lotto – Kansas veterans' home.....	\$100,060
Scratch lotto – veterans services.....	\$319,078
Scratch lotto – Kansas soldiers' home.....	\$73,309
Scratch lotto – veterans cemeteries.....	\$153,035
Operating expenditures – administration.....	\$473,164
<i>Provided</i> , That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Veterans claim assistance program – service grants.....	\$576,000
<i>Provided</i> , That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: <i>Provided further</i> ; 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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund.....	\$1,626,314
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.....	\$2,908,205
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.....	No limit
Federal domiciliary per diem fund.....	\$1,348,087
Federal long term care per diem fund.....	\$4,901,469
Commission on veterans affairs federal fund.....	\$199,087
Kansas veterans memorials fund.....	No limit
Vietnam war era veterans' recognition award fund.....	No limit
Kansas hometown heroes fund.....	No limit

(c) (1) During the fiscal year ending June 30, 2015, notwithstanding the provisions of K.S.A. 73-1231, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or K.S.A. 2012 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) As used in this subsection (c), "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.

(d) During the fiscal year ending June 30, 2015, 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, 2015, 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 to another item of appropriation for fiscal year 2015 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.

(e) During the fiscal year ending June 30, 2015, 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, 2015, from the state general fund for the Kansas commission on veterans affairs to the Vietnam war era veterans' recognition award fund. 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. 131.

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, 2014, the following:

Operating expenditures (including official hospitality).....\$3,106,879
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Operating expenditures (including official hospitality) – health.....\$3,040,245
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Vaccine purchases.....\$659,607
Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Aid to local units.....\$4,325,138
Provided, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$7,560,357
Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2013, is hereby reappropriated for

fiscal year 2014: *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, 2013, is hereby reappropriated to the aid to local units – women's wellness account for fiscal year 2014: *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, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year 2014.

Pregnancy maintenance initiative.....\$338,846

Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year 2014.

PKU treatment.....\$199,274

Provided, That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year

2014.

State trauma fund.....\$240,046

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 2014, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2014 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

Provided, 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

Federal supplemental funding for tobacco prevention and control – federal fund.....No limit

Coordinated chronic disease prevention and health promotion program – 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 women infants and children – 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
<i>Provided, That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2014 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.</i>	
Migrant health program – federal fund.....	No limit
Refugee health – federal fund.....	No limit
Strengthen public health immunization infrastructure – federal fund.....	No limit
Healthy homes and lead poisoning prevention – 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
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 2014 from the trauma fund of the department of health and environment – division of health for the stroke prevention project: <i>Provided further</i> , That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.	
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
Kansas vital records for quality improvement – federal fund.....	No limit
Kansas early detection works breast & cervical cancer screening services – federal fund.....	No limit
Kansas public health approaches for ensuring quitline capacity – federal fund.....	No limit
Diagnostic x-ray program – federal 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
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 department of health and environment – division of health 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 department of health and environment – division of health: <i>Provided further</i> , That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$1,000.	
Radiation control operations fee fund.....	No limit
<i>Provided</i> , That expenditures from the radiation control operations fee fund for official hospitality shall not exceed \$2,000.	
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
Kansas newborn screening fund.....	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2014, the following:

Healthy start.....\$237,914

Provided, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Infants and toddlers program.....\$5,700,000

Provided, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Smoking prevention.....\$946,671

Provided, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Newborn hearing aid loaner program.....\$47,161

Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

SIDS network grant.....\$96,374

Provided, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(d) On July 1, 2013, and on other occasions during fiscal year 2014 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, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, 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/development block grant federal fund of the Kansas department for children and families to the child care and development block grant – federal fund of the department of health and environment – division of health.

(f) During the fiscal year ending June 30, 2014, 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 – division of health from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2014 and

from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made by the department of health and environment – division of health from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2014 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act in the division of health: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, 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 2014 made by this or other appropriation act of the 2013 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, 2014, 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, 2014, 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 2014 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 2014 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 2014, as authorized by this or other appropriation act of the 2013 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 2014 pursuant to K.S.A. 22a-242, and amendments thereto.

(k) During the fiscal year ending June 30, 2014, 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.

Sec. 132.

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, 2015, the following:

Operating expenditures (including official hospitality).....\$3,054,027
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Operating expenditures (including official hospitality) – health.....\$3,036,941
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Vaccine purchases.....\$659,607
Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

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, 2014, is hereby reappropriated for fiscal year 2015: *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.....\$7,560,357
Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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
<i>Provided</i> , That any unencumbered balance in the aid to local units – women's wellness account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: <i>Provided further</i> , 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
<i>Provided</i> , That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Breast cancer screening program.....	\$219,336
<i>Provided</i> , That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Ryan White matching funds.....	\$47,682
<i>Provided</i> , That any unencumbered balance in the Ryan White matching funds account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Pregnancy maintenance initiative.....	\$338,846
<i>Provided</i> , That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Cerebral palsy posture seating.....	\$105,537
<i>Provided</i> , That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
PKU treatment.....	\$199,274
<i>Provided</i> , That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Teen pregnancy prevention activities.....	\$338,846
<i>Provided</i> , That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
State trauma fund.....	\$240,046
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:	
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
<i>Provided</i> , 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 2015, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2015 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
Federal supplemental funding for tobacco prevention and control – federal fund.....	No limit
Coordinated chronic disease prevention and health promotion program – 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 women infants and children – 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
<i>Provided</i> , That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2015 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
Strengthen public health immunization infrastructure – federal fund.....	No limit
Healthy homes and lead poisoning prevention – 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
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 2015 from the trauma fund of the department of health and environment – division of health for the stroke prevention project: <i>Provided further</i> ; That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.	
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
Kansas vital records for quality improvement – federal fund.....	No limit
Kansas early detection works breast & cervical cancer screening services - federal fund.....	No limit
Kansas public health approaches for ensuring quitline capacity – federal fund.....	No limit
Diagnostic x-ray program – federal 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
Power generating facility fee fund	No limit
Nuclear safety emergency preparedness special revenue fund.....	No limit

Provided, That all moneys received by the department of health and environment – division of health 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 department of health and environment – division of health; *Provided further*, That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$1,000.

Radiation control operations fee fund.....	No limit
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Provided, That expenditures from the radiation control operations fee fund for official hospitality shall not exceed \$2,000.

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
Kansas newborn screening fund.....	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2015, the following:

Healthy start.....	\$237,914
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Provided, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Infants and toddlers program.....	\$5,700,000
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Provided, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Smoking prevention.....	\$946,671
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Provided, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Newborn hearing aid loaner program.....\$47,161

Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

SIDS network grant.....\$96,374

Provided, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(d) On July 1, 2014, and on other occasions during fiscal year 2015 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, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$559,307 from the child care/development block grant federal fund of the Kansas department for children and families to the child care and development block grant – federal fund of the department of health and environment – division of health.

(f) During the fiscal year ending June 30, 2015, 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 – division of health from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2015 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made by the department of health and environment – division of health from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2015 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act in the division of health: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, 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 2015 made by this or other appropriation act of the 2013 or 2014 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, 2015, 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, 2015, 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 2015 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 2015 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 2015, as authorized by this or other appropriation act of the 2013 or 2014 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 2015 pursuant to K.S.A. 22a-242, and amendments thereto.

(k) During the fiscal year ending June 30, 2015, 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.

Sec. 133.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION
OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Health policy operating expenditures\$10,850,314

Provided, That any unencumbered balance in the health policy operating

expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.

Other medical assistance \$643,290,000

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 2014.

Children's health insurance program.....\$17,293,612

Provided, That any unencumbered balance in the children's health insurance program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Office of the inspector general.....\$72,920

Provided, That any unencumbered balance in the office of the inspector general account of the department of health and environment – division of health in excess of \$100 as of June 30, 2013, is hereby reappropriated to the office of the inspector general account of the above agency for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund\$657,549

Cafeteria benefits fundNo limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2014, for salaries and wages and other operating expenditures shall not exceed \$1,899,070.

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, 2014, for salaries and wages and other operating expenditures shall not exceed \$3,832,597.

Dependent care assistance program fund No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2014, for salaries and wages and other operating expenditures shall not exceed \$690,208.

Non-state employer group benefit fund\$146,994

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, 2014, for official hospitality shall not exceed \$1,000.

Health committee insurance fund..... No limit

Health care database fee fund No limit

Association assistance plan fund.....	No limit
Medical programs fee fund	\$72,276,117
Health benefits administration clearing fund – remit admin service org	No limit
<i>Provided</i> , That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2014, 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	No limit
Health care access improvement fund.....	No limit
Children's health insurance program federal fund	No limit
State planning – health care – uninsured fund	No limit
Medicaid infrastructure grant – disability employment federal fund	No 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
Refugee and entrant assistance – state administered programs fund.....	No limit

(c) During the fiscal year ending June 30, 2014, 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, 2014, 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, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$317,292 from the medical program fee fund of department of health and environment – division of health care finance to the state general fund.

(e) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,500,000 from the association assistant plan fund of the department of health and environment – division of health care finance to the social welfare fund of the department for aging and disability services.

(f) During the fiscal year ending June 30, 2014, expenditures shall be made by the secretary of health and environment from the other medical assistance account of the above agency of the state general fund or from any special revenue fund or funds of the above agency for the purpose of maintaining the state disproportionate share hospital (DSH) funding in an amount of not less than \$33,000,000 for fiscal year 2014. The secretary of health and environment shall make a full report on which accounts or funds the expenditures were made from to the director of the budget and the director of legislative research.

(g) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the preventive health care program

fund of the department of health and environment – division of health care finance to the state general fund.

Sec. 134.

DEPARTMENT OF HEALTH AND ENVIRONMENT – DIVISION
OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Health policy operating expenditures\$10,840,304

Provided, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.

Other medical assistance \$659,629,120

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That expenditures may be made from the 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 2015.

Children's health insurance program.....\$17,293,612

Provided, That any unencumbered balance in the children's health insurance program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Office of the inspector general.....\$72,728

Provided, That any unencumbered balance in the office of the inspector general account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care program fund\$657,390

Cafeteria benefits fundNo limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2015, for salaries and wages and other operating expenditures shall not exceed \$1,906,055.

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, 2015, for salaries and wages and other operating expenditures shall not exceed \$3,841,819.

Dependent care assistance program fund No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2015, for salaries and wages and other operating

expenditures shall not exceed \$690,613.

Non-state employer group benefit fund	\$146,906
Division of health care finance special revenue fund	No limit
<i>Provided</i> , That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2015, for official hospitality shall not exceed \$1,000.	
Health committee insurance fund.....	No limit
Health care database fee fund	No limit
Association assistance plan fund.....	No limit
Medical programs fee fund	\$72,676,117
Health benefits administration clearing fund – remit admin service org	No limit
<i>Provided</i> , That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2015, 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	No limit
Health care access improvement fund.....	No limit
Children's health insurance program federal fund	No limit
State planning – health care – uninsured fund	No limit
Medicaid infrastructure grant – disability employment federal fund	No 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
Refugee and entrant assistance – state administered programs fund.....	No limit

(c) During the fiscal year ending June 30, 2015, 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, 2015, 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) During the fiscal year ending June 30, 2015, expenditures shall be made by the secretary of health and environment from the other medical assistance account of the above agency of the state general fund or from any special revenue fund or funds of the above agency for the purpose of maintaining the state disproportionate share hospital (DSH) funding in an amount of not less than \$33,000,000 for fiscal year 2015. The secretary of health and environment shall make a full report on which accounts or funds the expenditures were made from to the director of the budget and the director of legislative research.

(e) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$317,292 from the medical program fee fund of the

department of health and environment – division of health care finance to the state general fund.

Sec. 135.

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, 2014, the following:

Operating expenditures (including official hospitality).....\$5,517,350

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation fee fund.....No limit

Publication fee fund – environment.....No limit

Solid waste management fund.....No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2014, for official hospitality: *Provided further*; 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

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 2014, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2014 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
Kansas newborn screening 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
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
Performance partnership grants – 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

Provided, 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: *Provided further*, 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
Subsurface hydrocarbon storage 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
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
EPA state response program – federal fund.....	No limit
Environmental use control fund.....	No limit
Environmental response remedial activity specific sites –federal fund.....	No limit
Emergency environmental response – nonspecific sites 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
Salt solution mining well plugging fund.....	No limit
UST redevelopment fund.....	No limit
Office of laboratory services operating fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2014, for the state water plan project or projects specified as follows:

Contamination remediation.....	\$768,076
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
TMDL initiatives and use attainability analysis.....	\$199,126
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Watershed restoration and protection plan.....	\$619,214
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Nonpoint source program.....	\$295,943
<i>Provided</i> , That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	

(d) During the fiscal year ending June 30, 2014, 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 2014 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2014 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.

(e) During the fiscal year ending June 30, 2014, 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 10th day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2013, and on other occasions during fiscal year 2014 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.

(g) During the fiscal year ending June 30, 2014, 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.

(h) During the fiscal year ending June 30, 2014, 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 2014 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 2014 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.

(i) During the fiscal year ending June 30, 2014, 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.
Sec. 136.

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, 2015, the following:

Operating expenditures (including official hospitality).....\$5,509,532
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation fee fund.....No limit
Publication fee fund – environment.....No limit
Solid waste management fund.....No limit
Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2015, for official hospitality: *Provided further*, 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
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 2015, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2015 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
Kansas newborn screening 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
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
Performance partnership grants – 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
Subsurface hydrocarbon storage 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
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
EPA state response program – federal fund.....	No limit
Environmental use control fund.....	No limit
Environmental response remedial activity specific sites – federal fund.....	No limit
Emergency environmental response – nonspecific sites 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
Salt solution mining well plugging fund.....	No limit
UST redevelopment fund.....	No limit
Office of laboratory services operating fund.....	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2015, for the state water plan project or projects specified as follows:

Contamination remediation.....\$691,114
Provided, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

TMDL initiatives and use attainability analysis.....\$149,731
Provided, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Watershed restoration and protection plan.....\$555,884
Provided, That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Nonpoint source program.....\$294,131
Provided, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(d) During the fiscal year ending June 30, 2015, 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 2015 from the state water plan fund for the

department of health and environment – division of environment to another item of appropriation for fiscal year 2015 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.

(e) During the fiscal year ending June 30, 2015, 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 10th day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2014, and on other occasions during fiscal year 2015 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.

(g) During the fiscal year ending June 30, 2015, 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.

(h) During the fiscal year ending June 30, 2015, 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 2015 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 2015 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.

(i) During the fiscal year ending June 30, 2015, 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.

Sec. 137.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Administration.....	\$2,397,987
<i>Provided</i> , That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,748.	
Administration – assessments.....	\$35,537
<i>Provided</i> , That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Administration – assessments – Level II care.....	\$44,042
<i>Provided</i> , That any unencumbered balance in the administration – assessments – Level II care account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Administration – assessments – Level I care.....	\$363,826
<i>Provided</i> , That any unencumbered balance in the administration – assessments – Level I care account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Administration – medicaid.....	\$1,425,267
<i>Provided</i> , That any unencumbered balance in the administration – medicaid account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Administration – medicaid MFP – admin match.....	\$2,818
<i>Provided</i> , That any unencumbered balance in the administration – medicaid MFP – admin match account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Administration – older Americans act match.....	\$148,039
<i>Provided</i> , That any unencumbered balance in the administration – older Americans act match account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Senior care act.....	\$2,667,848
<i>Provided</i> , That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: <i>Provided further</i> , 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 for aging and disability services a report for fiscal year 2013 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 2013: <i>And provided further</i> , That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2014 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 2013: <i>And provided further</i> , 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.....\$3,845,725

Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 for aging and disability services a report for federal fiscal year 2013 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 2013: *And provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2014 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 2013: *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.....\$2,501,313

Provided, That any unencumbered balance in the LTC – medicaid assistance – TCM/FE account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$25,681,940

Provided, That any unencumbered balance in the LTC – medicaid assistance – HCBS/FE account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$152,805,600

Provided, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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. 2012 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2014.

LTC – medicaid assistance – PACE.....\$2,696,456

Provided, That any unencumbered balance in the LTC – medicaid assistance – PACE

account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$446,518

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Nursing facilities regulation – title XIX.....\$969,954

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Any unencumbered balance in the LTC – medicaid assistance – MFP account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Health occupational credentialing.....\$502,117

State operations.....\$8,789,208

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated to the state operations account for fiscal year 2014: *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.

Alcohol and drug abuse services grants.....\$1,949,703

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Mental health and retardation services aid and assistance.....\$181,695,810

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That, if services through the home and community based waiver for individuals with developmental disabilities or targeted case management for individuals with developmental disabilities are not provided under KanCare, then on January 1, 2014, of the \$181,695,810 appropriated for the above agency for the fiscal year ending June 30, 2014, by this section from the state general fund in the mental health and retardation services aid and assistance account, the sum of \$4,000,000 is hereby lapsed.

Kansas neurological institute – operating expenditures.....\$9,872,360

Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$30,172,522
Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$16,979,420
Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Osawatomie state hospital – operating expenditures\$15,160,052
Provided, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Parsons state hospital and training center – operating expenditures.....\$10,122,727
Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; 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.

Parsons state hospital and training center – sexual predator treatment program.....\$950,643

Rainbow mental health facility – operating expenditures.....\$4,080,097
Provided, That any unencumbered balance in the Rainbow mental health facility – operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Rainbow mental health facility – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*; That expenditures may be made from this account to evaluate the services provided by the rainbow mental health facility, in consultation with other community providers in the catchment area the

rainbow mental health facility serves, to determine the most appropriate use of the facility.

Children's mental health initiative.....\$335,210

Provided, That any unencumbered balance in the children's mental health initiative account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Community based services.....\$96,599,976

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Other medical assistance.....\$103,264,496

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated to the other medical assistance account of the above agency for fiscal year 2014.

Community mental health centers supplemental funding.....\$2,500,000

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund.....\$46,620,743

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Kansas neurological institute fee fund.....\$1,351,478

Kansas neurological institute – foster grandparents program – federal fund....No limit

Kansas neurological institute – FGP gifts, grants, donations special fund.....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

Provided, 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: *Provided further*, That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: *And provided further*, That expenditures may be made from this fund to defray the costs of such conference activities.

Larned state hospital fee fund.....\$4,466,618

Larned state hospital – elementary and secondary education fund – federal....No limit

Larned state hospital – national school lunch program – federal.....	No limit
Larned state hospital – medical assistance program – federal.....	No limit
Larned state hospital – vocational education 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 – medical assistance program – 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 – cottage revenue and expenditures fund.....	No limit
Osawatomie state hospital – training fee revolving fund.....	No limit

Provided, 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: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, 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.....\$8,198,438

Provided, 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: *Provided further*, 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: *And provided further*, 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 – medical assistance program – federal.....	No limit
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

Provided, 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: *Provided further*, 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: *And provided further*, 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.....	\$1,627,781
Rainbow mental health facility – patient benefit fund.....	No limit
Rainbow mental health facility – work therapy patient benefit fund.....	No limit
Rainbow mental health facility – medical assistance program – federal.....	No limit
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 2014 pursuant to a contract which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Social service block grant fund.....	\$4,500,000
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Provided, That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2013 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 2013:

Provided further, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2014 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 2013: *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
National bioterrorism hospital preparedness program – federal fund.....	No limit
Senior citizen nutrition check-off fund.....	No limit
Conferences and workshops attendance and publications fees fund.....	No limit

Provided, That the secretary for aging and disability services is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and

workshops sponsored by the Kansas department for aging and disability services 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.....No limit
Provided, That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 2012 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2012 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. 2012 Supp. 75-7435, and amendments thereto.

State licensure fee fund.....No limit
General fees fund.....No limit
Provided, That the secretary for aging and disability services 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 Kansas department for aging and disability services, or to benefit and meet the mission of the Kansas department for aging and disability services.

Gifts and donations fund.....No limit
Provided, That the secretary for aging and disability services 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 in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

Medical resources and collection fund.....No limit
Provided, That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury and in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further*, That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further*, That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes 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 medical resources and collection fund:

And provided further, That 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
Medical assistance program – federal fund.....	No limit
Children's health insurance federal fund.....	No limit
DADS social welfare fund.....	\$3,722,900
Other state fees fund.....	No limit
Substance abuse/mental health services federal fund.....	No limit
Community mental health block grant federal fund.....	No limit
Prevention/treatment substance abuse federal fund.....	No limit
Problem gambling and addictions grant fund.....	No limit

Provided, That expenditures shall be made from the problem gambling and addictions grant fund for salaries and wages of one full-time equivalent position for the problem gambling services coordinator: *Provided further,* That at least 10% of the expenditures of the problem gambling and addictions grant fund shall be made for the purposes of increasing public awareness on the possible risks and dangers of gambling addictions and available treatment and services.

Alternatives to psych. resid. treatment facilities for children federal fund.....	No limit
Substance abuse performance outcome grant federal fund.....	No limit
ADAS data collection grant federal fund.....	No limit
Money follows the person rebalancing demonstration federal fund.....	No limit
Temporary assistance for needy families – fed funds.....	No limit
Public health/social services emergency response federal fund.....	No limit
Assistance in transition from homelessness federal fund.....	No limit
Developmental disabilities basic support federal fund.....	No limit
Olmstead fellowship program.....	No limit
Medicare fund.....	No limit
Medicare fund – oasis.....	No limit
Nonfederal reimbursements fund.....	No limit

Provided, That all nonfederal reimbursements received by the Kansas department for aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2014, the following:

Children's mental health waiver.....	\$3,800,000
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Provided, That any unencumbered balance in the children's mental health waiver account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(d) On July 1, 2013, the superintendent of Osawatomic 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.

(e) On July 1, 2013, the superintendent of Parsons state hospital, upon approval from 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.

(f) On July 1, 2013, the superintendent of Larned state hospital, upon 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.

(g) During the fiscal year ending June 30, 2014, no moneys paid by the Kansas department for aging and disability 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 Kansas department for aging and disability services, the legislative division of post audit, or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2014, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2014 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2014 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability 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.

(i) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2014 for the Kansas department for children and families 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 2014 for the department of health and environment – division of health, as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2014 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services 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 for children and families 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 for children and families 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 2014: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2014 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2014 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.

(j) During the fiscal year ending June 30, 2014, 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 Kansas department for aging and disability services to the LTC – medicaid assistance – HCBS/FE account of the state general fund of the Kansas department for aging and disability services or to the community based services account of the state general fund of the Kansas department for aging and disability services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2013, and on June 1, 2014, 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 developed by the secretary for aging and disability 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 Kansas department for aging and disability services shall report to the legislature at the beginning of the regular session in 2014 with expenditure data regarding this program.

(k) On July 1, 2013, 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 Kansas department for aging and disability services 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) On July 1, 2013, notwithstanding the provisions of K.S.A. 75-4265, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$20,933 from the senior services fund of the Kansas department for aging and disability services to the state general fund.

(m) On July 1, 2013, the director of accounts and reports shall transfer \$763 from the non-government grant fund of the Kansas department for aging and disability services to the state general fund. On July 1, 2013, all liabilities of the non-government grant fund are hereby transferred to and imposed on the state general fund and the non-government grant fund is hereby abolished.

(n) On July 1, 2013, the director of accounts and reports shall transfer \$17,000 from the conferences and workshop attendance and publications fees fund of the Kansas department for aging and disability services to the state general fund.

(o) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$550,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the domestic violence grant fund of the governor's department.

(p) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the child advocacy center grants fund of the governor's department.

(q) During the fiscal year ending June 30, 2014, no expenditures shall be made by the above agency from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year ending June 30, 2014, to sell the rainbow mental health facility.

Sec. 138.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

- Administration.....\$2,399,193
Provided, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,748.
- Administration – assessments.....\$35,678
Provided, That any unencumbered balance in the administration – assessments account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Administration – assessments – Level II care.....\$44,042
Provided, That any unencumbered balance in the administration – assessments – Level II care account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Administration – assessments – Level I care.....\$363,826
Provided, That any unencumbered balance in the administration – assessments – Level I care account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Administration – medicaid.....\$1,433,398
Provided, That any unencumbered balance in the administration – medicaid account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Administration – medicaid MFP – admin match.....\$2,818
Provided, That any unencumbered balance in the administration – medicaid MFP – admin match account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Administration – older Americans act match.....\$149,321
Provided, That any unencumbered balance in the administration – older Americans act match account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Senior care act.....\$2,667,848
Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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 for aging and disability services a report for fiscal year 2014 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 2014: *And provided further*; That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2015 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 2014: *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.....\$3,845,725
Provided, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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 for aging and disability services a report for federal fiscal year 2014 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 2014: *And provided further*; That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2015 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 2014: *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.....\$2,666,399
Provided, That any unencumbered balance in the LTC – medicaid assistance – TCM/FE account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.....\$25,681,940
Provided, That any unencumbered balance in the LTC – medicaid assistance – HCBS/FE account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.....\$185,250,392

Provided, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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. 2012 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services shall institute trending methods to provide rate increases for nursing facilities for fiscal year 2015.

LTC – medicaid assistance – PACE.....\$2,696,456

Provided, That any unencumbered balance in the LTC – medicaid assistance – PACE account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.....\$450,473

Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Nursing facilities regulation – title XIX.....\$978,518

Provided, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Any unencumbered balance in the LTC – medicaid assistance – MFP account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Health occupational credentialing.....\$504,299

State operations.....\$8,815,678

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated to the state operations account for fiscal year 2015: *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.

Alcohol and drug abuse services grants.....\$1,811,703

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Mental health and retardation services aid and assistance.....\$181,695,810

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That, if services through the home and community based waiver for individuals with developmental disabilities or

targeted case management for individuals with developmental disabilities are not provided under KanCare, then on January 1, 2014, of the \$181,695,810 appropriated for the above agency for the fiscal year ending June 30, 2015, by this section from the state general fund in the mental health and retardation services aid and assistance account, the sum of \$4,000,000 is hereby lapsed.

Kansas neurological institute – operating expenditures.....\$9,903,030

Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the 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.....\$30,406,737

Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the 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.....\$20,105,693

Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Osawatomie state hospital – operating expenditures\$15,519,615

Provided, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Parsons state hospital and training center – operating expenditures.....\$10,200,609

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the 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.

Parsons state hospital and training center – sexual predator treatment program.....\$2,058,868
Rainbow mental health facility – operating expenditures.....\$4,419,519

Provided, That any unencumbered balance in the Rainbow mental health facility – operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from the Rainbow mental health facility – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Children's mental health initiative.....\$335,210

Provided, That any unencumbered balance in the children's mental health initiative account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Community based services.....\$96,870,751

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Other medical assistance.....\$135,723,988

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated to the other medical assistance account of the above agency for fiscal year 2015.

Community mental health centers supplemental funding.....\$2,500,000

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund.....\$46,861,094

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Kansas neurological institute fee fund.....\$1,355,537

Kansas neurological institute – foster grandparents program – federal fund....No limit

Kansas neurological institute – FGP gifts, grants, donations special fund.....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
Provided, 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: *Provided further*, That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: *And provided further*, That expenditures may be made from this fund to defray the costs of such conference activities.

Larned state hospital fee fund.....	\$4,466,618
Larned state hospital – elementary and secondary education fund – federal....	No limit
Larned state hospital – national school lunch program – federal.....	No limit
Larned state hospital – medical assistance program – federal.....	No limit
Larned state hospital – vocational education 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
Osawatomi state hospital – ECIA fund – federal.....	No limit
Osawatomi state hospital – medical assistance program –federal.....	No limit
Osawatomi state hospital – canteen fund.....	No limit
Osawatomi state hospital – patient benefit fund.....	No limit
Osawatomi state hospital – work therapy patient benefit fund.....	No limit
Osawatomi state hospital – motor pool revolving fund.....	No limit
Osawatomi state hospital – cottage revenue and expenditures fund.....	No limit
Osawatomi state hospital – training fee revolving fund.....	No limit

Provided, That all moneys received as fees for training activities for Osawatomi 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 Osawatomi state hospital – training fee revolving fund: *Provided further*, That the superintendent of Osawatomi state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomi state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomi state hospital.

Osawatomi state hospital fee fund.....	\$7,555,674
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Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomi 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 Osawatomi state hospital fee fund: *Provided further*, 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 Osawatomi state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomi state hospital fee fund.

Parsons state hospital and training center – medical assistance program – federal.....	No limit
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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.....	\$1,372,386

Provided, 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: *Provided further*, 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: *And provided further*, 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.....	\$1,199,649
Rainbow mental health facility – patient benefit fund.....	No limit
Rainbow mental health facility – work therapy patient benefit fund.....	No limit
Rainbow mental health facility – medical assistance program – federal.....	No limit
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 2015 pursuant to a contract which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Social service block grant fund.....	\$4,500,000
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Provided, That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2014 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 2014: *Provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2015 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 2014: *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

National bioterrorism hospital preparedness program – federal fund.....No limit

Senior citizen nutrition check-off fund.....No limit

Conferences and workshops attendance and publications fees fund.....No limit

Provided, That the secretary for aging and disability services is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and workshops sponsored by the Kansas department for aging and disability services 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.....No limit

Provided, That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 2012 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2012 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. 2012 Supp. 75-7435, and amendments thereto.

State licensure fee fund.....No limit

General fees fund.....No limit

Provided, That the secretary for aging and disability services 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 Kansas department for aging and disability services, or to benefit and meet the mission of the Kansas department for aging and disability services.

Gifts and donations fund.....No limit

Provided, That the secretary for aging and disability services 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 in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

Medical resources and collection fund.....No limit
Provided, That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury and in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further*; That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further*; That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes 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 medical resources and collection fund: *And provided further*; That 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
Medical assistance program – federal fund.....	No limit
Children's health insurance federal fund.....	No limit
DADS social welfare fund.....	\$222,900
Other state fees fund.....	No limit
Substance abuse/mental health services federal fund.....	No limit
Community mental health block grant federal fund.....	No limit
Prevention/treatment substance abuse federal fund.....	No limit
Problem gambling and addictions grant fund.....	No limit

Provided, That expenditures shall be made from the problem gambling and addictions grant fund for salaries and wages of one full-time equivalent position for the problem gambling services coordinator: *Provided further*; That at least 10% of the expenditures of the problem gambling and addictions grant fund shall be made for the purposes of increasing public awareness on the possible risks and dangers of gambling addictions and available treatment and services.

Alternatives to psych. resid. treatment facilities for children federal fund.....	No limit
Substance abuse performance outcome grant federal fund.....	No limit
ADAS data collection grant federal fund.....	No limit
Money follows the person rebalancing demonstration federal fund.....	No limit
Temporary assistance for needy families – fed funds.....	No limit
Public health/social services emergency response federal fund.....	No limit
Assistance in transition from homelessness federal fund.....	No limit
Developmental disabilities basic support federal fund.....	No limit
Olmstead fellowship program.....	No limit
Medicare fund.....	No limit
Medicare fund – oasis.....	No limit
Nonfederal reimbursements fund.....	No limit

Provided, That all nonfederal reimbursements received by the Kansas department for

aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

Mental health grants – state highway fund.....\$9,750,000

Provided, That on July 1, 2014, October 1, 2014, January 1, 2014, and April 1, 2015, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or an other statute, the director of accounts and reports shall transfer \$2,437,500 from the state highway fund of the department of transportation to the mental health grants – state highway fund of the Kansas department for aging and disability services.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2015, the following:

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, 2014, is hereby reappropriated for fiscal year 2015.

(d) On July 1, 2014, 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.

(e) On July 1, 2014, the superintendent of Parsons state hospital, upon approval from 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.

(f) On July 1, 2014, the superintendent of Larned state hospital, upon 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.

(g) During the fiscal year ending June 30, 2015, no moneys paid by the Kansas department for aging and disability 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 Kansas department for aging and disability services, the legislative division of post audit, or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2015, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2015 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2015 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability 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.

(i) In addition to the other purposes for which expenditures may be made by the

Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2015 for the Kansas department for children and families 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 2015 for the department of health and environment – division of health, as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2015 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services 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 for children and families 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 for children and families 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 2015: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2015 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2015 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.

(j) During the fiscal year ending June 30, 2015, 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 Kansas department for aging and disability services to the LTC – medicaid assistance – HCBS/FE account of the state general fund of the Kansas department for aging and disability services or to the community based services account of the state general fund of the Kansas department for aging and disability services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2014, and on June 1, 2015, 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 developed by the secretary for aging and disability 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 Kansas department for aging and disability services shall report to the legislature at the beginning of the regular session in 2015 with expenditure data regarding this program.

(k) On July 1, 2014, 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 Kansas department for aging and disability services 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) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$550,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the domestic violence grant fund of the governor's department.

(m) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the child advocacy center grants fund of the governor's department.

Sec. 139.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

State operations (including official hospitality).....\$92,907,035
Provided, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Youth services aid and assistance.....\$95,618,383
Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Vocational rehabilitation aid and assistance.....\$6,155,915
Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 for children and families 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.....\$20,158,937
Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Nonfederal reimbursements fund.....No limit

Provided, That all nonfederal reimbursements received by the Kansas department for children and families shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

Social services clearing fund.....	No limit
Social welfare fund.....	\$27,502,448
Other state fees fund.....	No limit
Child welfare services state grants federal fund.....	No limit
Social services block grant – federal fund.....	No limit
Child care/development block grant federal fund.....	No limit
Temporary assistance to needy families federal fund.....	No limit
Promoting safe/stable families federal fund.....	No limit
Title IV-E 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
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

Provided, That expenditures from the family and children trust account – family and children investment fund for official hospitality shall not exceed \$1,500.

Low-income home energy assistance federal fund.....	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
National bioterrorism hospital preparedness program 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
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
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
Prevention fellowship program grant federal fund.....	No limit
Federal Olmstead grant federal fund.....	No limit
Child care discretionary federal fund	No limit
Supplemental security income federal fund.....	No limit
Child support enforcement research federal fund	No limit
Child abuse and neglect discretionary 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, 2014, the following:	
Children's cabinet accountability fund.....	\$400,000
<i>Provided</i> , That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Child care.....	\$5,033,679
<i>Provided</i> , That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Early head start.....	\$70,000
<i>Provided</i> , That any unencumbered balance in the early head start account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Family preservation.....	\$2,154,357
<i>Provided</i> , That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Quality initiative infants & toddlers.....	\$500,000
<i>Provided</i> , That any unencumbered balance in the quality initiative infants & toddlers account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Early childhood block grant.....	\$18,179,484
<i>Provided</i> , That any unencumbered balance in the early childhood block grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Kansas reads to succeed.....	\$6,000,000
<i>Provided</i> , That if 2013 House Bill No. 2140, or any other legislation which provides research-based interventions designed to assist pupils with acquiring reading skills, is not passed by the legislature during the 2013 regular session and enacted into law, then during the fiscal year ending June 30, 2014 expenditures shall be made by the children's cabinet from the Kansas reads to succeed account of the children's initiatives fund for fiscal year 2014 to establish a pilot program for improved reading outcomes using the Lexia Reading Core5 program: <i>Provided further</i> , That such expenditures shall not exceed \$6,000,000: <i>And provided further</i> , That schools shall be selected for the improved reading outcomes program by a statewide application process supported by	

Educational Design Solutions, a Kansas company that currently supports implementation of the Lexia Reading Core5 program in Kansas: *And provided further*, That the criteria for the improved reading outcomes pilot program shall: (1) Create a personalized learning path for students that continually tailors instruction to the individual needs of the student while providing the teacher with the resources to deliver direct instruction based on the student's performance data; (2) present research that is peer reviewed and published in national scientific reading journals that shows the effectiveness of the reading program; (3) provide teachers with executable, norm-referenced performance data on a daily basis that enables teachers to plan and modify reading instruction on a daily basis without having to stop instructional time to administer a test; (4) provide regular, periodic, highly accurate and predictive scores for all elementary school students which will indicate the likelihood of students reaching grade level reading skills by the end of the school year along with an action plan for the student's teacher; (5) be highly correlated with the commonly used national reading assessments and the Kansas state reading test; (6) provide evidence of improved reading skills and scores by Kansas students and schools; (7) provide reading score data that can be traced to individual school buildings; and (8) be offered first to schools already using Lexia Reading Core5 or a similar improved reading outcomes program: *And provided further*, That schools selected for the improved reading outcomes pilot program shall represent a diverse cross-section of Kansas schools to include: (1) Urban, suburban and rural schools; (2) small, medium and large school districts; and (3) ethnic diversity among schools: *And provided further*, That each school selected for the improved reading outcomes pilot program shall: (1) Implement the improved reading outcomes pilot program in kindergarten and in grades one through five; (2) designate an implementation representative from each school for the improved reading outcomes pilot program; (3) require all reading teachers to attend professional development training sessions; (4) require that 60% or more of the students use the improved reading outcomes pilot program according to the standards established for the first year of the pilot by Lexia, thereafter the minimum threshold shall increase to 75% of students using the program according to the standards established for the program by Lexia; (5) require that principals and teachers conduct data meetings as grade-level teams at least once per month to monitor student progress as reported to the improved reading outcomes pilot program vendor and implement recommended strategies and interventions; and (6) provide the improved reading outcomes pilot program vendor's education and research team with student demographic data and corresponding data from either state or national reading assessments: *And provided further*, That if 2013 House Bill No. 2140, or any other legislation which provides research-based interventions designed to assist pupils with acquiring reading skills, is passed by the legislature during the 2013 regular session and enacted into law, then the provisions of this proviso are hereby declared null and void and shall have no force and effect.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2014, the following:

Children's cabinet administration.....\$260,446

(e) During the fiscal year ending June 30, 2014, the secretary for children and families, 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, 2014, from the state general fund for the Kansas department for children and families to another item of

appropriation for fiscal year 2014 from the state general fund for the Kansas department for children and families. The secretary for children and families 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, 2014, the secretary for children and families, 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 Kansas department for children and families to another federal fund of the Kansas department for children and families. The secretary for children and families 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) On July 1, 2013, 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 for children and families.

(h) During the fiscal year ending June 30, 2014, all moneys received by the secretary for children and families, 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.

(i) During the fiscal year ending June 30, 2014, to the extent it is determined by the secretary for children and families to be cost effective, the secretary for children and families 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, 2014, 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 Kansas department for children and families from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2014, as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from any such moneys appropriated for fiscal year 2014 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 2014.

(j) During the fiscal year ending June 30, 2014, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2014 for the Kansas department for children and families as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by the secretary for children and families for fiscal year 2014 to fix, charge and collect fees from parents for services provided to

their children by an institution or program of the Kansas department for children and families: *Provided*, That all moneys received by the Kansas department for children and families 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.

(k) During the fiscal year ending June 30, 2014, notwithstanding the provisions of K.S.A. 39-709, and amendments thereto, or any other statute, no expenditures shall be made by the above agency from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year ending June 30, 2014, to order the drug screening of an applicant for, or a recipient of, cash assistance under a drug screening program operated pursuant to the provisions of 2013 Senate Bill No. 149.

Sec. 140.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

State operations (including official hospitality).....\$93,319,557

Provided, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Youth services aid and assistance.....\$95,715,368

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Vocational rehabilitation aid and assistance.....\$6,155,915

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That expenditures may be made from this account for 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 for children and families 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.....\$20,158,937

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Nonfederal reimbursements fund.....No limit

Provided, That all nonfederal reimbursements received by the Kansas department for children and families shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

Social services clearing fund.....No limit

Social welfare fund.....	\$27,549,851
Other state fees fund.....	No limit
Child welfare services state grants federal fund.....	No limit
Social services block grant – federal fund.....	No limit
Child care/development block grant federal fund.....	No limit
Temporary assistance to needy families federal fund.....	No limit
Promoting safe/stable families federal fund.....	No limit
Title IV-E 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
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
National bioterrorism hospital preparedness program 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
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
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
 Prevention fellowship program grant federal fund.....No limit
 Federal Olmstead grant federal fund.....No limit
 Child care discretionary federal fundNo limit
 Supplemental security income federal fund.....No limit
 Child support enforcement research federal fundNo limit
 Child abuse and neglect discretionary 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, 2015, the following:

Children's cabinet accountability fund.....\$400,000
Provided, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Child care.....\$5,033,679
Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Early head start.....\$70,000
Provided, That any unencumbered balance in the early head start account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Family preservation.....\$2,154,357
Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Quality initiative infants & toddlers.....\$500,000
Provided, That any unencumbered balance in the quality initiative infants & toddlers account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Early childhood block grant.....\$18,179,179
Provided, That any unencumbered balance in the early childhood block grant account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Kansas reads to succeed.....\$6,000,000
Provided, That if 2013 House Bill No. 2140, or any other legislation which provides research-based interventions designed to assist pupils with acquiring reading skills, is not passed by the legislature during the 2013 regular session and enacted into law, then during the fiscal year ending June 30, 2015, expenditures shall be made by the children's cabinet from the Kansas reads to succeed account of the children's initiatives fund for fiscal year 2015 to establish a pilot program for improved reading outcomes using the Lexia Reading Core5 program: *Provided further*, That such expenditures shall not exceed \$6,000,000: *And provided further*, That schools shall be selected for the improved reading outcomes program by a statewide application process supported by Educational Design Solutions, a Kansas company that currently supports implementation of the Lexia Reading Core5 program in Kansas: *And provided further*, That the criteria for the improved reading outcomes pilot program shall: (1) Create a personalized learning path for students that continually tailors instruction to the individual needs of the student while providing the teacher with the resources to deliver direct instruction based on the student's performance data; (2) present research that is peer reviewed and published in national scientific reading journals that shows the effectiveness of the reading program; (3) provide teachers with executable, norm-

referenced performance data on a daily basis that enables teachers to plan and modify reading instruction on a daily basis without having to stop instructional time to administer a test; (4) provide regular, periodic, highly accurate and predictive scores for all elementary school students which will indicate the likelihood of students reaching grade level reading skills by the end of the school year along with an action plan for the student's teacher; (5) be highly correlated with the commonly used national reading assessments and the Kansas state reading test; (6) provide evidence of improved reading skills and scores by Kansas students and schools; (7) provide reading score data that can be traced to individual school buildings; and (8) be offered first to schools already using Lexia Reading Core5 or a similar improved reading outcomes program: *And provided further*, That schools selected for the improved reading outcomes pilot program shall represent a diverse cross-section of Kansas schools to include: (1) Urban, suburban and rural schools; (2) small, medium and large school districts; and (3) ethnic diversity among schools: *And provided further*, That each school selected for the improved reading outcomes pilot program shall: (1) Implement the improved reading outcomes pilot program in kindergarten and in grades one through five; (2) designate an implementation representative from each school for the improved reading outcomes pilot program; (3) require all reading teachers to attend professional development training sessions; (4) require that 60% or more of the students use the improved reading outcomes pilot program according to the standards established for the first year of the pilot by Lexia, thereafter the minimum threshold shall increase to 75% of students using the program according to the standards established for the program by Lexia; (5) require that principals and teachers conduct data meetings as grade-level teams at least once per month to monitor student progress as reported to the improved reading outcomes pilot program vendor and implement recommended strategies and interventions; and (6) provide the improved reading outcomes pilot program vendor's education and research team with student demographic data and corresponding data from either state or national reading assessments: *And provided further*, That if 2013 House Bill No. 2140, or any other legislation which provides research-based interventions designed to assist pupils with acquiring reading skills, is passed by the legislature during the 2013 regular session and enacted into law, then the provisions of this proviso are hereby declared null and void and shall have no force and effect.

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2015, the following:

Children's cabinet administration.....\$261,589

(e) During the fiscal year ending June 30, 2015, the secretary for children and families, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2015, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2015 from the state general fund for the Kansas department for children and families. The secretary for children and families 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, 2015, the secretary for children and families, 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 Kansas department for children and families to another

federal fund of the Kansas department for children and families. The secretary for children and families 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) On July 1, 2014, 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 for children and families.

(h) During the fiscal year ending June 30, 2015, all moneys received by the secretary for children and families, 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.

(i) During the fiscal year ending June 30, 2015, to the extent it is determined by the secretary for children and families to be cost effective, the secretary for children and families 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, 2015, 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 Kansas department for children and families from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2015, as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from any such moneys appropriated for fiscal year 2015 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 2015.

(j) During the fiscal year ending June 30, 2015, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2015 for the Kansas department for children and families as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures shall be made by the secretary for children and families for fiscal year 2015 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the Kansas department for children and families: *Provided*, That all moneys received by the Kansas department for children and families 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.

(k) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the children's initiatives fund to the state general fund.

Sec. 141.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Kansas guardianship program.....\$1,158,250
Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Sec. 142.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Kansas guardianship program.....\$1,162,320
Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Sec. 143.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$9,855,481
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Special education services aid.....\$384,717,630
Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$1,875,622,270
Provided, That any unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year 2014.

Discretionary grants.....\$572,457
Provided, That the above agency shall make expenditures from the discretionary

grants account during the fiscal year 2014, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *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: *And provided further*, That during the fiscal year ending June 30, 2014, expenditures shall be made by the above agency from the discretionary grants fund for fiscal year 2014 to establish a pilot program for communities in schools programming in three school districts in Kansas: *And provided further*, That communities in schools shall conduct an outcomes based study of its programming during fiscal year 2014: *And provided further*, That the Kansas department of education is hereby authorized and directed to provide to communities in schools such student or other data as shall be necessary to permit communities in schools to conduct such study of outcomes regarding the students assisted with such communities in schools programming: *And provided further*, That such data shall include data regarding demographically similar students at peer institutions not involved in communities in schools programs, to permit the research study to compare outcomes of students receiving communities in schools services versus students not receiving such services: *And provided further*, That upon providing the Kansas department of education with the names of students participating in the communities in schools program, the Kansas department of education shall provide the current status of students identified as participating in the program.

School food assistance.....	\$2,510,486
State match for Fort Riley school construction.....	\$1,500,000
School safety hotline.....	\$5,000
Moving expenses.....	\$624,829

Provided, That any unencumbered balance in the moving expenses account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Technical education promotion.....	\$25,000
KPERS – employer contributions.....	\$328,245,211

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....	\$5,571,500

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,

2013, is hereby reappropriated for fiscal year 2014: *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, 2013, is hereby reappropriated for fiscal year 2014: *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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund.....	No limit
School district capital improvements fund.....	No limit
<i>Provided</i> , 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

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.

Private donations, gifts, grants and bequests fund.....	No limit
Interactive video fee fund.....	No limit

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.

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
21 st 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
General state aid transportation weighting – state highway fund.....	No limit

Provided, That on July 1, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, the director of accounts and reports shall transfer \$24,150,000 from the state highway fund of the department of transportation to the general state aid transportation weighting – state highway fund of the department of education.

Special education transportation weighting – state highway fund.....	No limit
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Provided, That on July 1, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, the director of accounts and reports shall transfer \$10,750,000 from the state highway fund of the department of transportation to the special education transportation weighting – state highway fund of the department of education.

Career and technical education transportation – state highway fund.....	No limit
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Provided, That on July 1, 2013, the director of accounts and reports shall transfer \$650,000 from the state highway fund of the department of transportation to the career and technical education transportation – state highway fund of the department of education.

Educational technology coordinator fund.....	No limit
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Provided, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2014, from the educational technology coordinator fund of the department of education to provide data on the number of school districts served and cost savings for those districts in fiscal year 2014 in order to assess the cost effectiveness of the position of educational technology coordinator.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2014, 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, 2013, 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 Kansas department for children and families to the communities in schools program fund of the department of education.

(e) On March 30, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund 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, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund 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, 2013, and quarterly thereafter, the director of accounts and reports shall transfer \$56,800 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, 2013, 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.

(i) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2014, the following:

 KPERS – school employer contribution.....\$37,512,000

(j) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$85,811 from the USAC E-rate program federal fund of the state board of regents to the education technology coordinator fund of the department of education: *Provided*, That the department of education shall provide information and data regarding the number of school districts served and cost savings attained by such school districts in order to assess the cost effectiveness of having this education technology coordinator position: *Provided further*, That such information and data shall be available by the department of education by the end of the fiscal year

2014.

Sec. 144.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$11,378,540

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Special education services aid.....\$417,717,630

Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.....\$1,875,932,270

Provided, That any unencumbered balance in the general state aid account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

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, 2014, is hereby reappropriated for fiscal year 2015.

Discretionary grants.....\$572,457

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2015, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *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: *And provided further*, That during the fiscal year ending June 30, 2015, expenditures shall be made by the above agency from the discretionary grants fund for fiscal year 2015 to establish a pilot program for communities in schools programming in three school districts in Kansas: *And provided further*, That communities in schools shall conduct an outcomes based study of its programming during fiscal year 2015: *And provided further*, That the

Kansas department of education is hereby authorized and directed to provide to communities in schools such student or other data as shall be necessary to permit communities in schools to conduct such study of outcomes regarding the students assisted with such communities in schools programming: *And provided further*; That such data shall include data regarding demographically similar students at peer institutions not involved in communities in schools programs, to permit the research study to compare outcomes of students receiving communities in schools services versus students not receiving such services: *And provided further*; That upon providing the Kansas department of education with the names of students participating in the communities in schools program, the Kansas department of education shall provide the current status of students identified as participating in the program.

School food assistance.....	\$2,510,486
School safety hotline.....	\$10,000
Technical education promotion.....	\$50,000
KPERS – employer contributions.....	\$363,284,462

Provided, That any unencumbered balance in the KPERS – employer contributions account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.....	\$5,571,500

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, 2014, is hereby reappropriated for fiscal year 2015: *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, 2014, is hereby reappropriated for fiscal year 2015: *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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund.....	No limit
School district capital improvements fund.....	No limit
<i>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.</i>	
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

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.

Private donations, gifts, grants and bequests fund.....No limit
 Interactive video fee fund.....No limit

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.

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
 General state aid transportation weighting – state highway fund.....No limit
Provided, That on July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, the director of accounts and reports shall transfer \$24,150,000 from the state highway fund of the department of transportation to the general state aid transportation weighting – state highway fund of the department of education.

Special education transportation weighting – state highway fund.....No limit
Provided, That on July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, the director of accounts and reports shall transfer \$2,500,000 from the state highway fund of the department of transportation to the special education transportation weighting – state highway fund of the department of education.

Career and technical education transportation – state highway fund.....No limit
Provided, That on July 1, 2014, the director of accounts and reports shall transfer \$650,000 from the state highway fund of the department of transportation to the career and technical education transportation – state highway fund of the department of education.

Educational technology coordinator fund.....No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2015, 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, 2014, 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 Kansas department for children and families to the communities in schools program fund of the department of education.

(e) On March 30, 2015, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund 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, 2015, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$550,000 from the state safety fund 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, 2014, and quarterly thereafter, the director of accounts and reports shall transfer \$61,892 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, 2014, 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.

(i) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2015, the following:

 KPERS – school employer contribution.....\$39,490,000

(j) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$85,811 from the USAC E-rate program federal fund of the state board of regents to the education technology coordinator fund of the department of education: *Provided*, That the department of education shall provide information and data regarding the number of school districts served and cost savings attained by such school districts in order to assess the cost effectiveness of having this education technology coordinator position: *Provided further*, That such information and data shall be available by the department of education by the end of the fiscal year 2015.

Sec. 145.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

 Operating expenditures.....\$1,360,843

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$892.

 Grants to libraries and library systems.....\$2,825,048

Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That, of the moneys appropriated in the grants to libraries and library systems account, \$1,332,419 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$1,187,076 shall be distributed for interlibrary loan development grants and \$305,553 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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other

than refunds authorized by law shall not exceed the following:

State library fund.....	No limit
Federal library services and technology act – fund.....	No limit
Grants and gifts fund.....	No limit

Sec. 146.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$1,279,964
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$892.

Grants to libraries and library systems.....	\$2,824,933
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Provided, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That, of the moneys appropriated in the grants to libraries and library systems account, \$1,332,419 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, \$1,187,076 shall be distributed for interlibrary loan development grants and \$305,438 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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund.....	No limit
Federal library services and technology act – fund.....	No limit
Grants and gifts fund.....	No limit

Sec. 147.

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, 2014, the following:

Operating expenditures.....	\$4,989,657
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped.....	\$133,847
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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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Reserve fund.....	No limit
Local services reimbursement fund.....	No limit

Provided, 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: *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
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

Sec. 148.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$5,028,731
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped.....	\$133,847
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Reserve fund.....	No limit
Local services reimbursement fund.....	No limit

Provided, 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: *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
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

Sec. 149.

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, 2014, the following:

Operating expenditures.....	\$8,549,886
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Reserve 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. 150.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$8,688,190
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....	No limit
Reserve 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. 151.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....	\$4,302,928
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Kansas humanities council.....	\$54,797
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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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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.

- 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 \$78,636.

- 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 2014 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
Archeology federal 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.

Sec. 152.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$4,302,233
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Kansas humanities council.....	\$54,797
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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.

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 \$78,636.

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 2015 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
 Archeology federal 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.

Sec. 153.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$31,454,822
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.
 Master's-level nursing capacity.....\$132,773
 Kansas wetlands education center at Cheyenne bottoms.....\$261,883

Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Kansas academy of math and science.....\$727,340

Provided, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 fees 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.

(c) On July 1, 2013, 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. 154.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$31,774,143
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Master's-level nursing capacity.....\$132,813
 Kansas wetlands education center at Cheyenne bottoms.....\$262,366
Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Kansas academy of math and science.....\$727,493
Provided, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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 fees 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.

(c) On July 1, 2014, 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. 155.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$98,892,136
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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; communications and marketing; 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 this 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 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
Salina student life center revenue fund.....	No limit
Child care facility 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.

Energy conservation improvements fund.....	No limit
Animal health research fund.....	No limit
National bio agro-defense facility fund.....	No limit

Provided, That all expenditures from the national bio agro-defense facility fund shall be expended in accordance with the governor's national bio agro-defense facility steering committee's plan and shall be approved by the president of Kansas state university.

Kan-grow engineering fund – KSU.....	No limit
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(c) On July 1, 2013, 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. 156.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....	\$99,762,738
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Midwest institute for comparative stem cell biology.....	\$129,833
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Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund.....	No limit
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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; communications and marketing; 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 this 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 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
 Salina student life center revenue fund.....No limit
 Child care facility 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.

Energy conservation improvements fund.....No limit

Animal health research fund.....No limit
 National bio agro-defense facility fund.....No limit
Provided, That all expenditures from the national bio agro-defense facility fund shall be expended in accordance with the governor's national bio agro-defense facility steering committee's plan and shall be approved by the president of Kansas state university.

Kan-grow engineering fund – KSU.....No limit
 (c) On July 1, 2014, 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. 157.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
 AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Cooperative extension service (including official hospitality)..... \$17,551,393

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Agricultural experiment stations (including official hospitality)..... \$27,926,746

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund.....No limit

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 2014: *And provided further*, That expenditures may be made from this fund for official hospitality.

Fertilizer research fund.....	No limit
Sponsored research overhead fund.....	No limit
<i>Provided</i> , That expenditures may be made from the sponsored research overhead fund for official hospitality.	
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.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

Agricultural experiment stations.....	\$299,295
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(d) During the fiscal year ending June 30, 2014, no moneys appropriated from the state general fund or any special revenue fund or funds 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. 158.

**KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Cooperative extension service (including official hospitality).....	\$17,768,073
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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, 2014, is hereby reappropriated for fiscal year 2015.

Agricultural experiment stations (including official hospitality).....\$28,287,113

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund.....No limit

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 2014: *And provided further*, That expenditures may be made from this fund for official hospitality.

Fertilizer research fund.....No limit

Sponsored research overhead fund.....No limit

Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

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.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

Agricultural experiment stations.....	\$299,686
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(d) During the fiscal year ending June 30, 2015, no moneys appropriated from the state general fund or any special revenue fund or funds 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. 159.

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, 2014, the following:

Operating expenditures (including official hospitality).....	\$9,484,593
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Operating enhancement.....	\$4,999,382
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Provided, That all expenditures from the operating enhancement account shall be expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and shall be approved by the president of Kansas state university.

Veterinary training program for rural Kansas.....	\$400,000
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Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund.....	No limit
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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.

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: *And provided further*, That expenditures may be made from this fund for official hospitality.

Sponsored research overhead fund.....	No limit
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Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

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.

(c) On July 1, 2013, 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. 160.

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, 2015, the following:

Operating expenditures (including official hospitality).....	\$9,623,280
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Operating enhancement.....	\$5,000,205
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Provided, That all expenditures from the operating enhancement account shall be

expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and shall be approved by the president of Kansas state university.

Veterinary training program for rural Kansas.....\$400,000

Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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.

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: *And provided further*, That expenditures may be made from this fund for official hospitality.

Sponsored research overhead fund.....No limit

Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

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.

(c) On July 1, 2014, 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. 161.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....	\$29,298,396
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Reading recovery program.....	\$214,801
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, 2014, 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
<i>Provided</i> , That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.	
General fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys: <i>Provided further</i> , That expenditures may be made from the general fees fund for official hospitality.	
Interest on state normal school fund 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

(c) On July 1, 2013, 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. 162.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$29,502,987

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Reading recovery program.....	\$214,889
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, 2015, 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
<i>Provided</i> , That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.	
General fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys: <i>Provided further</i> , That expenditures may be made from the general fees fund for official hospitality.	
Interest on state normal school fund fund.....	No limit
Restricted fees fund.....	No limit
<i>Provided</i> , 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: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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

(c) On July 1, 2014, 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. 163.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$32,678,073

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

School of construction.....\$749,569

Provided, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Polymer science program.....\$999,821

Provided, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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; 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 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.

(c) During the fiscal year ending June 30, 2014, 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. 164.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$33,074,319

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

School of construction.....\$749,805

Provided, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Polymer science program.....\$999,903

Provided, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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; 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.

(c) During the fiscal year ending June 30, 2015, 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. 165.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$127,555,647
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Geological survey.....\$5,877,588
Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Umbilical cord matrix project.....\$130,796
Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.

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.

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 policy and social research; technology equipment; 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; 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

Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

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

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

Kan-grow engineering fund – KU.....No limit

(c) On July 1, 2013, 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, 2014, 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, 2013, in the geological survey account is hereby reappropriated for fiscal year 2014.

Sec. 166.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$128,871,358

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Geological survey.....\$5,880,186

Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Umbilical cord matrix project.....\$130,847

Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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.

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.

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 policy and social research; technology equipment; 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; 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
Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

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
 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
Kan-grow engineering fund – KU.....No limit

(c) On July 1, 2014, 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, 2015, 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, 2014, in the geological survey account is hereby reappropriated for fiscal year 2015.

Sec. 167.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$97,216,268

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$4,488,171

Provided, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Midwest stem cell therapy center\$1,154,500

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund.....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Midwest stem cell therapy center fund.....\$0

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; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; 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; 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; Kansas department for children and families 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; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional 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.

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
Cancer center research fund.....	No limit

(c) On July 1, 2013, 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, 2014, 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, 2014, the university of Kansas medical center or the board of regents shall not expend any moneys appropriated for the fiscal year ending June 30, 2014, from the state general fund or in any special revenue fund or funds for such state agency by this or other appropriation act of the 2013 regular session of the legislature, to reduce enrollment or eliminate programs at the Salina, Wichita, Lawrence or Kansas City campus of the university of Kansas medical center, unless the percentage reduction applied to the Salina, Wichita, Lawrence or Kansas City campus of the university of Kansas medical center shall be the same and imposed equally on all such campuses of the university of Kansas medical center.

Sec. 168.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....	\$97,397,855
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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.....	\$4,488,171
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Provided, That any unencumbered balance in the medical scholarships and loans

account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Midwest stem cell therapy center.....\$745,500

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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

Midwest stem cell therapy center fund.....\$0

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; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; 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; 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; Kansas department for children and families 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; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional 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.

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
Cancer center research fund.....	No limit

(c) On July 1, 2014, 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, 2015, 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, 2015, the university of Kansas medical center or the board of regents shall not expend any moneys appropriated for the fiscal year ending June 30, 2015, from the state general fund or in any special revenue fund or funds for such state agency by this or other appropriation act of the 2013 regular session

of the legislature or by any appropriation act of the 2014 regular session of the legislature, to reduce enrollment or eliminate programs at the Salina, Wichita, Lawrence or Kansas City campus of the university of Kansas medical center, unless the percentage reduction applied to the Salina, Wichita, Lawrence or Kansas City campus of the university of Kansas medical center shall be the same and imposed equally on all such campuses of the university of Kansas medical center.

Sec. 169.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$63,016,873

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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.....	No limit
Center of innovation for biomaterials in orthopaedic research – Wichita state university fund.....	No limit
Aviation research.....	No limit
Kan-grow engineering fund – WSU.....	No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

Aviation infrastructure.....	\$2,981,537
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Provided, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014:

Provided further, That during the fiscal year ending June 30, 2014, 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 2014 by Wichita state university by this or other appropriation act of the 2013 regular session of the legislature, the moneys appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2014 may only be expended for training and equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2013, and June 30, 2014, 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 or funds for the above agency for fiscal year 2013 or fiscal year 2014 by chapter 175 of the 2012 Session Laws of Kansas, or by this or other appropriation act of the 2013 regular session of the legislature, expenditures shall be made by Wichita state university from the state general fund or from any special revenue fund or funds for fiscal year 2013 and fiscal year 2014, 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 2013 and fiscal year 2014: *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 first calendar day of the 2014 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 2013 and fiscal year 2014.

(e) On July 1, 2013, the leveraging educational assistance partnership – federal fund of Wichita state university is hereby redesignated as the leveraging educational assistance partnership fund of Wichita state university.

Sec. 170.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$64,004,622
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
<i>Provided</i> , 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.....No limit
 Center of innovation for biomaterials in orthopaedic research – Wichita state university fund.....No limit
 Aviation research.....No limit
 Kan-grow engineering fund – WSU.....No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

Aviation infrastructure.....\$2,981,537

Provided, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That during the fiscal year ending June 30, 2015, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2015 by Wichita state university by this or other appropriation act of the 2013 or 2014 regular session of the legislature, the moneys appropriated in the aviation infrastructure account of the state economic development initiatives fund for fiscal year 2015 may only be expended for training and equipment expenditures of the national center for aviation training.

(d) During the fiscal years ending June 30, 2014, and June 30, 2015, 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 or funds for the above agency for fiscal year 2014 or fiscal year 2015 by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures shall be made by Wichita state university from the state general fund or from any special revenue fund or funds for fiscal year 2014 and fiscal year 2015, 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 2014 and fiscal year 2015: *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 first calendar day of the 2015 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 2014 and fiscal year 2015.

Sec. 171.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures (including official hospitality).....\$3,302,359

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That, during fiscal year 2014, 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 2014 by the state board of regents as authorized by this or other appropriation act of the 2013 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 2014 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 2014, 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 2014 by the state board of regents as authorized by this or other appropriation act of the 2013 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 2014 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.

Midwest higher education commission.....\$95,000

State scholarship program.....\$1,044,601

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, 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: *And provided further*, 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.....\$15,443,172

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Ethnic minority scholarship program.....\$290,568

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Kansas work-study program.....\$486,877

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$171,829

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Military service scholarships.....\$460,908

Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 2012 Supp. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship program.....\$1,809,394

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

National guard educational assistance.....\$853,451

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Vocational scholarships.....\$111,793

Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Nursing student scholarship program.....\$408,909

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Optometry education program.....\$104,947

Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Municipal university operating grant.....\$10,961,222

Adult basic education.....\$1,446,877
 Postsecondary tiered technical education state aid..... \$58,300,961
Provided, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2014, in the postsecondary tiered technical education state aid account is greater than the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2013, in the postsecondary tiered technical education state aid account, then the difference between the amount of moneys appropriated for the fiscal year 2014 and the amount of moneys appropriated for the above agency fiscal year 2013 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2012 Supp. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided further*, That no eligible institution shall receive an amount of money from the postsecondary tiered technical education state aid account in fiscal year 2014 that is less than the amount such eligible institution received from such account in fiscal year 2013, unless the amount of moneys appropriated for the above agency for fiscal year 2013 in the postsecondary tiered technical education state aid account for fiscal year 2014 is less than the amount of moneys appropriated for the above agency for fiscal year 2013 in the postsecondary tiered technical education state aid account: *And provided further*, That if the amount of moneys appropriated for the above agency for fiscal year 2014 is less than the amount of moneys appropriated for the above agency for fiscal year 2013 in the postsecondary tiered technical education state aid account, then each eligible institution shall receive an amount of moneys as determined by the state board of regents.

Non-tiered course credit hour grant.....\$76,496,329
 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.....\$1,759,676
 Tuition waivers.....\$82,963
 Nurse educator grant program.....\$184,364
Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$1,785,671
Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 nursing faculty and

supplies grant program account for \$1 from the state educational institution receiving the grant: *And provided further*; That not less than \$94,064 in such grants shall be made to accredited private postsecondary educational institutions in Kansas.

Postsecondary technical education authority.....\$679,979

Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the postsecondary technical education authority account for fiscal year 2014, expenditures shall be made by the above agency from the postsecondary technical education authority account for fiscal year 2014 to develop a report on the participation in technical education courses that lead to high-wage, high-demand technical occupations and result in Kansas board of regents approved industry credentials: *Provided further*; That such report 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 2014 regular session of the legislature.

Incentive for technical education.....\$1,500,000

Tuition for technical education.....\$8,750,000

Any unencumbered balance in the following account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: 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, 2014, 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

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.

KAN-ED services fee fund.....No limit

Health profession opportunity grant – federal.....No limit

Rigorous program of study – federal.....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
Provided, That expenditures may be made from the proprietary school fee fund for official hospitality.

- 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
- 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
- Statewide data systems ARRA – unifying data systems to

support systemic changes fund.....	No limit
Distance learning/telemedicine federal grant.....	No limit
Statewide data systems federal fund.....	No limit
USAC E-rate program federal fund.....	No limit
WIA youth activities federal fund.....	No limit
WIA adult set-aside federal fund.....	No limit
WIA dislocated workers set-aside federal fund.....	No limit

(c) During the fiscal year ending June 30, 2014, 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, 2014, to another item of appropriation in an account of the state general fund for fiscal year 2014. 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) (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 or funds for fiscal year 2014 for such state educational institution as authorized by this or other appropriation act of the 2013 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 or funds for fiscal year 2014 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 2014: *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 (d)(1) at the beginning of the 2014 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.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

SEDIF – vocational education capital outlay aid.....\$2,547,726

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2014: *Provided further*, 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.

SEDIF – technology innovation and internship program.....\$179,284

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2013, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2014.

SEDIF – EPSCOR.....\$993,265

Community and technical college competitive grants.....\$500,000

Provided, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical 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 and technical 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.

(f) On July 1, 2013, the director of accounts and reports shall transfer \$1,000,000 from the proprietary school fee fund of the state board of regents to the state general fund.

(g) On July 1, 2013, the director of accounts and reports shall transfer \$23,000 from the special tuition reimbursement fund of the state board of regents to the state general fund. On July 1, 2013, all liabilities of the special reimbursement tuition fund are hereby transferred to and imposed on the state general fund and the special reimbursement tuition fund is hereby abolished.

Sec. 172.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures (including official hospitality).....\$3,443,800

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That, during fiscal year 2015, 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 2015 by the state board of regents as authorized by this or other appropriation act of the 2013 or 2014 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 2015 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 2015, 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 2015 by the state board of regents as authorized by this or other appropriation act of the 2013 or 2014 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 2015 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.

Midwest higher education commission.....\$95,000
 State scholarship program.....\$1,065,919

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That expenditures may be made from the 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: *And provided further*, 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.....\$15,758,338

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

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, 2014, is hereby reappropriated for

fiscal year 2015.

- 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, 2014, is hereby reappropriated for fiscal year 2015: *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.....\$175,335
Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Military service scholarships.....\$470,314
Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 2012 Supp. 74-32,227 through 74-32,232, and amendments thereto.
- 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, 2014, is hereby reappropriated for fiscal year 2015.
- 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, 2014, is hereby reappropriated for fiscal year 2015.
- Vocational scholarships.....\$114,075
Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- 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, 2014, is hereby reappropriated for fiscal year 2015.
- Optometry education program.....\$107,089
Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.
- Municipal university operating grant.....\$10,961,222
- Adult basic education.....\$1,457,031
- Postsecondary tiered technical education state aid.....\$57,400,209
Provided, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2015, in the postsecondary tiered technical education state aid account is greater than the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2014, in the postsecondary tiered technical education

state aid account, then the difference between the amount of moneys appropriated for the fiscal year 2015 and the amount of moneys appropriated for the above agency fiscal year 2014 shall be distributed based on each eligible institution's calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 2012 Supp. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents: *Provided further*, That no eligible institution shall receive an amount of money from the postsecondary tiered technical education state aid account in fiscal year 2015 that is less than the amount such eligible institution received from such account in fiscal year 2014, unless the amount of moneys appropriated for the above agency for fiscal year 2014 in the postsecondary tiered technical education state aid account for fiscal year 2015 is less than the amount of moneys appropriated for the above agency for fiscal year 2014 in the postsecondary tiered technical education state aid account: *And provided further*, That if the amount of moneys appropriated for the above agency for fiscal year 2015 is less than the amount of moneys appropriated for the above agency for fiscal year 2014 in the postsecondary tiered technical education state aid account, then each eligible institution shall receive an amount of moneys as determined by the state board of regents.

Non-tiered course credit hour grant.....\$75,302,309

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

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, 2014, is hereby reappropriated for fiscal year 2015: *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, 2014, is hereby reappropriated for fiscal year 2015: *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 nursing faculty and supplies grant program account for \$1 from the state educational institution receiving the grant: *And provided further*, That not less than \$94,064 in such grants shall be made to accredited private postsecondary educational institutions in Kansas.

Postsecondary technical education authority.....\$600,000

Incentive for technical education.....\$1,500,000

Tuition for technical education.....\$8,750,000

Any unencumbered balance in the following account in excess of \$100 as of June 30,

2014, is hereby reappropriated for fiscal year 2015: 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, 2015, 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
Regents' scholarship gift fund.....	No limit
<i>Provided</i> , 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: <i>Provided, however</i> ; That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: <i>Provided further</i> ; That no scholarship awarded from this fund shall exceed \$2,000 per academic year: <i>And provided further</i> ; 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: <i>And provided further</i> ; 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
<i>Provided</i> , That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act.	
Health profession opportunity grant – federal.....	No limit
Rigorous program of study – federal.....	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
<i>Provided</i> , That expenditures may be made from the proprietary school fee fund for official hospitality.	
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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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: <i>And provided further</i> , 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
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
Statewide data systems ARRA – unifying data systems to support systemic changes fund.....	No limit
Distance learning/telemedicine federal grant.....	No limit
Statewide data systems federal fund.....	No limit
USAC E-rate program federal fund.....	No limit
WIA youth activities federal fund.....	No limit
WIA adult set-aside federal fund.....	No limit
WIA dislocated workers set-aside federal fund.....	No limit

(c) During the fiscal year ending June 30, 2015, 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, 2015, to another item of appropriation in an account of the state general fund for fiscal year 2015. 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) (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 or funds for fiscal year 2015 for such state educational institution as authorized by this or other appropriation act of the 2013 or 2014 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 or funds for fiscal year 2015 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 2015: *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 (d)(1) at the beginning of the 2015 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.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

SEDIF – vocational education capital outlay aid.....\$2,547,726

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2015: *Provided further*, 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.

SEDIF – technology innovation and internship program.....\$179,284
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2014, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2015.

SEDIF – EPSCOR.....\$993,265
 Community and technical college competitive grants.....\$500,000
Provided, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical 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 and technical 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.

Sec. 173.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures\$13,616,368
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Operating expenditures – juvenile services.....\$3,107,437
Provided, That any unencumbered balance in the operating expenditures account of the juvenile justice authority in excess of \$100 as of June 30, 2013, is hereby reappropriated to the operating expenditures – juvenile services account of the above agency for fiscal year 2014: *Provided, however*; That expenditures from the operating expenditures – juvenile services account for official hospitality shall not exceed \$2,000.

Management information systems.....\$983,653
Provided, That any unencumbered balance in the management information systems account of the juvenile justice authority in excess of \$100 as of June 30, 2013, is hereby reappropriated to the management information systems account of the above agency for fiscal year 2014.

Community corrections.....\$19,583,912
Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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 2014 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.....\$600,000
Provided, That any unencumbered balance in the local jail payments account in

excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*; That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930, and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs.....\$51,562,663
Provided, That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Purchase of services.....\$24,741,851
Provided, That any unencumbered balance in the purchase of services account of the juvenile justice authority in excess of \$100 as of June 30, 2013, is hereby reappropriated to the purchase of services account of the above agency for fiscal year 2014.

Prevention and graduated sanctions community grants.....\$21,033,874
Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account of the juvenile justice authority in excess of \$100 as of June 30, 2013, is hereby reappropriated to the prevention and graduated sanctions community grants account of the above agency for fiscal year 2014: *Provided further*; That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Topeka correctional facility – facilities operations.....\$14,056,984
Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility – facilities operations.....\$30,754,274
Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations.....\$40,526,885
Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility – facilities operations.....\$14,438,876
Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations.....\$13,085,481

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations.....\$15,662,439

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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.....\$26,998,840

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities operations.....\$10,624,217

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*; That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex facility operations.....\$17,444,651

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account of the juvenile justice authority in excess of \$100 as of June 30, 2013, is hereby reappropriated to the Kansas juvenile correctional complex facility operations account of the above agency for fiscal year 2014: *Provided further*; That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Larned juvenile correctional facility operations.....\$9,285,770

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account of the juvenile justice authority in excess of \$100 as of June 30, 2013, is hereby reappropriated to the Larned juvenile correctional facility operations account of the above agency for fiscal year 2014: *Provided further*; That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Facilities operations.....\$14,521,271

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Labette facility operations.....\$1,306,363

Provided, That any unencumbered balance in the Labette facility operations account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Supervision fees fund.....No limit
- Residential substance abuse treatment – federal fund.....No limit
- Department of corrections forensic psychologist fund.....No limit
- Provided*, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.
- Ed Byrne memorial justice assistance grants – federal fund.....No limit
- Violence against women – federal fund.....No limit
- Sex offender management grant – federal fund.....No limit
- Department of corrections state asset forfeiture fund.....No limit
- Chapter I – federal fund.....No limit
- Victims of crime act – federal fundNo limit
- Correctional industries fund.....No limit
- Provided*, That expenditures may be made from the correctional industries fund for official hospitality.
- Ed Byrne state and local law assistance – federal fund.....No limit
- Safeguard community grants – federal fund.....No limit
- Workforce investment act – federal fund.....No limit
- Workplace and community transition training – federal fund.....No limit
- USMS reimbursement – federal fund.....No limit
- Community awareness project – federal fund.....No limit
- Corrections training and staff development – federal fund.....No limit
- Second chance act – federal fund.....No limit
- Alcohol and drug abuse treatment fund.....No limit
- Provided*, That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.
- 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
- Provided*, 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: *Provided further*; That the secretary of corrections 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, and shall be credited to the department of corrections – general fees fund.
- Sedgwick county program fund.....No limit
- Topeka correctional facility – community development block grant – federal fund.....No limit
- Topeka correctional facility – bureau of prisons contract – federal fund.....No limit
- Topeka correctional facility – general fees fund.....No limit
- Hutchinson correctional facility – general fees fund.....No limit

Lansing correctional facility – general fees fund.....	No limit
Ellsworth correctional facility – general fees fund.....	No limit
Winfield correctional facility – general fees fund.....	No limit
Norton correctional facility – general fees fund.....	No limit
El Dorado correctional facility – general fees fund.....	No limit
Larned correctional mental health facility – general fees fund.....	No limit
Correctional services special revenue fund.....	No limit
Community corrections supervision fund.....	No limit
Community corrections special revenue fund.....	No limit
Medical assistance program – federal fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant – federal fund.....	No limit
Juvenile justice delinquency prevention – federal fund.....	No limit
Juvenile detention facilities fund.....	No limit
Juvenile justice fee fund – central office.....	No limit
Juvenile justice federal fund – Larned juvenile correctional facility.....	No limit
Juvenile justice federal fund – Kansas juvenile correctional complex.....	No limit
Juvenile justice federal fund.....	No limit
Byrne grant – federal fund – Kansas juvenile correctional complex.....	No limit
Byrne grant – federal fund – Larned juvenile correctional facility.....	No limit
Byrne grant – federal fund.....	No limit
Prisoner reentry initiative demonstration – federal fund.....	No limit
Comprehensive approaches to sex offender management discretionary grant – federal fund.....	No limit
Part E – developing, testing, and demonstrating promising new programs – federal fund.....	No limit
Title V – delinquency prevention program – federal fund.....	No limit
Block grants for prevention and treatment of substance abuse – federal fund.....	No limit
Promoting safe and stable families – federal fund.....	No limit
Title I program for neglected and delinquent children – federal fund.....	No limit
Improving teacher quality state grants – federal fund.....	No limit
Kansas juvenile correctional complex – juvenile accountability block grant – federal fund.....	No limit
Larned juvenile correctional facility – juvenile accountability block grant – federal fund.....	No limit
National school lunch program – federal fund – Kansas juvenile correctional complex.....	No limit
National school lunch program – federal fund – Larned juvenile correctional facility.....	No limit
Atchison youth residential center fee fund.....	No limit
Larned juvenile correctional facility fee fund.....	No limit
Larned juvenile correctional facility – Title I neglected and delinquent children – federal fund.....	No limit
National school breakfast program – federal fund – Larned juvenile correctional facility.....	No limit
Larned juvenile correctional facility – federal fund.....	No limit

Kansas juvenile correctional complex fee fund.....	No limit
Kansas juvenile correctional complex – Title I neglected and delinquent children – federal fund.....	No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex.....	No limit
Kansas juvenile correctional complex – gifts, grants, and donations fund.....	No limit
Dev/test/demo new prgs – Kansas juvenile correctional complex – federal fund.....	No limit
Comprehensive approach to sex offender management discretionary grant – Kansas juvenile correctional complex – 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, 2014, the following:

Judge Riddel boys ranch.....	\$750,000
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(d) During the fiscal year ending June 30, 2014, 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, 2014, from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2014 from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(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 secretary of corrections any duly authorized claim to be paid from the local jail payments account of the state general fund during fiscal year 2014 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.

(f) 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 2014 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, 2013, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2013.

(g) On July 1, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, 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.

(h) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$750,000 from the correctional industries fund to the

state general fund: *Provided*, That the transfer of 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.

(i) During the fiscal year ending June 30, 2014, 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.

(j) On July 1, 2013, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the community corrections special revenue fund of the department of corrections.

(k) In addition to the other purposes for which expenditures may be made by the department of corrections from the juvenile detention facilities fund for fiscal year 2014, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the department of corrections is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2014 for purchase of services.

Sec. 174.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures\$12,331,705

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Operating expenditures – juvenile services.....\$3,121,196

Provided, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the operating expenditures – juvenile services account for official hospitality shall not exceed \$2,000.

Management information systems.....\$989,699

Provided, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Community corrections.....\$20,583,912

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2015 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments.....\$600,000
Provided, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930, and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs.....\$51,571,237
Provided, That any unencumbered balance in the treatment and programs account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Purchase of services.....\$25,181,816
Provided, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Prevention and graduated sanctions community grants.....\$21,383,874
Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Topeka correctional facility – facilities operations.....\$14,159,730
Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility – facilities operations.....\$30,973,523
Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility – facilities operations.....\$40,395,450
Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility – facilities operations.....\$14,528,984
Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*; That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility – facilities operations.....\$12,998,080
Provided, That any unencumbered balance in the Winfield correctional facility –

facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however;* That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility – facilities operations.....\$15,575,469

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however;* That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility – facilities operations.....\$27,194,672

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however;* That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility – facilities operations.....\$10,701,712

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however;* That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex facility operations.....\$17,562,353

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further;* That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Larned juvenile correctional facility operations.....\$9,342,665

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further;* That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Facilities operations.....\$14,521,271

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Labette facility operations.....\$1,313,586

Provided, That any unencumbered balance in the labette facility operations account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund.....No limit

Residential substance abuse treatment – federal fund.....No limit
 Department of corrections forensic psychologist fund.....No limit
Provided, That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.

Ed Byrne memorial justice assistance grants – federal fund.....No limit
 Violence against women – federal fund.....No limit
 Sex offender management grant – federal fund.....No limit
 Department of corrections state asset forfeiture fund.....No limit
 Chapter I – federal fund.....No limit
 Victims of crime act – federal fundNo limit
 Correctional industries fund.....No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Ed Byrne state and local law assistance – federal fund.....No limit
 Safeguard community grants – federal fund.....No limit
 Workforce investment act – federal fund.....No limit
 Workplace and community transition training – federal fund.....No limit
 USMS reimbursement – federal fund.....No limit
 Community awareness project – federal fund.....No limit
 Corrections training and staff development – federal fund.....No limit
 Second chance act – federal fund.....No limit
 Alcohol and drug abuse treatment fund.....No limit

Provided, That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

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

Provided, 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: *Provided further*; That the secretary of corrections 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, and shall be credited to the department of corrections – general fees fund.

Sedgwick county program fund.....No limit
 Topeka correctional facility – community development block grant – federal fund.....No limit
 Topeka correctional facility – bureau of prisons contract – federal fund.....No limit
 Topeka correctional facility – general fees fund.....No limit
 Hutchinson correctional facility – general fees fund.....No limit
 Lansing correctional facility – general fees fund.....No limit
 Ellsworth correctional facility – general fees fund.....No limit
 Winfield correctional facility – general fees fund.....No limit

Norton correctional facility – general fees fund.....	No limit
El Dorado correctional facility – general fees fund.....	No limit
Larned correctional mental health facility – general fees fund.....	No limit
Correctional services special revenue fund.....	No limit
Community corrections supervision fund.....	No limit
Community corrections special revenue fund.....	No limit
Medical assistance program – federal fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant – federal fund.....	No limit
Juvenile justice delinquency prevention – federal fund.....	No limit
Juvenile detention facilities fund.....	No limit
Juvenile justice fee fund – central office.....	No limit
Juvenile justice federal fund – Larned juvenile correctional facility.....	No limit
Juvenile justice federal fund – Kansas juvenile correctional complex.....	No limit
Juvenile justice federal fund.....	No limit
Byrne grant – federal fund – Kansas juvenile correctional complex.....	No limit
Byrne grant – federal fund – Larned juvenile correctional facility.....	No limit
Byrne grant – federal fund.....	No limit
Prisoner reentry initiative demonstration – federal fund.....	No limit
Comprehensive approaches to sex offender management discretionary grant – federal fund.....	No limit
Part E – developing, testing, and demonstrating promising new programs – federal fund.....	No limit
Title V – delinquency prevention program – federal fund.....	No limit
Block grants for prevention and treatment of substance abuse – federal fund.....	No limit
Promoting safe and stable families – federal fund.....	No limit
Title I program for neglected and delinquent children – federal fund.....	No limit
Improving teacher quality state grants – federal fund.....	No limit
Kansas juvenile correctional complex – juvenile accountability block grant – federal fund.....	No limit
Larned juvenile correctional facility – juvenile accountability block grant – federal fund.....	No limit
National school lunch program – federal fund – Kansas juvenile correctional complex.....	No limit
National school lunch program – federal fund – Larned juvenile correctional facility.....	No limit
Atchison youth residential center fee fund.....	No limit
Larned juvenile correctional facility fee fund.....	No limit
Larned juvenile correctional facility – Title I neglected and delinquent children – federal fund.....	No limit
National school breakfast program – federal fund – Larned juvenile correctional facility.....	No limit
Dev/test/demo new prgs – Larned juvenile correctional facility – federal fund.....	No limit
Kansas juvenile correctional complex fee fund.....	No limit
Kansas juvenile correctional complex – Title I neglected and	

delinquent children – federal fund.....	No limit
National school breakfast program – federal fund – Kansas	
juvenile correctional complex.....	No limit
Kansas juvenile correctional complex – gifts, grants, and donations fund.....	No limit
Kansas juvenile correctional complex – federal fund.....	No limit
Comprehensive approach to sex offender management discretionary grant – Kansas juvenile correctional complex – federal fund.....	No limit

(c) During the fiscal year ending June 30, 2015, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2015, from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2015 from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account of the state general fund during fiscal year 2015 for costs pursuant to subsection (b) of K.S.A. 19-1930, and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund during fiscal year 2015 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2014, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2014.

(f) On July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$233,750 from the correctional industries fund to the department of corrections – general fees fund.

(g) During the fiscal year ending June 30, 2015, all expenditures made by the department of corrections from the correctional industries fund shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

(h) On July 1, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the problem gambling and addictions grant fund of the Kansas department for aging and disability services to the community corrections special revenue fund of the department of corrections.

(i) In addition to the other purposes for which expenditures may be made by the department of corrections from the juvenile detention facilities fund for fiscal year 2015, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the department of corrections is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2015 for purchase of services.

(j) Any unencumbered balance in each of the following accounts in the children's initiatives fund in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: Judge Riddel boys ranch.

Sec. 175.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$4,910,417
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,250.

Incident management team.....\$16,202
Provided, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Civil air patrol – operating expenditures.....\$35,097
 Military activation payments.....\$15,807

Provided, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, 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. 2012 Supp. 75-3228, and amendments thereto.

Kansas military emergency relief\$9,881

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 account.

Any unencumbered balance in excess of \$100 as of June 30, 2013, in each of the following accounts is hereby reappropriated for fiscal year 2014: Disaster relief.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund.....No limit
- Office of emergency communications fund.....No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *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 above agency's communication equipment 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 above agency's communication equipment 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 office of emergency communications fund.

- Conversion of materials and equipment fund – military division.....No limit
- Adjutant general expense fund.....No limit
- State asset forfeiture fund.....No limit
- Emergency management – federal fund matching – administration fund.....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
- Disaster reimbursement fund.....No limit
- Disaster grants – public assistance federal fund.....No limit
- National guard military operations/maintenance federal fundNo 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 fund.....No limit
- Homeland security FFY05 int federal fund.....No limit
- Pre-disaster mitigation – federal fund.....No limit
- State homeland security program federal fund.....No limit
- Nuclear safety emergency management fee fund.....No limit

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 2014 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, K.S.A. 48-940 et seq., and amendments thereto.

- Military fees fund – federal.....No limit

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.

Armories and units general fees fund.....	No limit
Emergency systems for advanced registration for volunteer health professionals – federal 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

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: *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 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.

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
Safe and drug-free schools and communities national programs 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 2014 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2013 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 2014, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, 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 2014 made by this or other appropriation act of the 2013 regular session of the legislature.

(d) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$270,690 from the state highway fund of the department of transportation to the office of emergency communications fund of the adjutant general.

(e) On June 30, 2013, of the \$6,028,703 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 105(a) of chapter 175 of the 2012 Session Laws of Kansas from the state general fund in the disaster relief account, the sum of \$397,859 is hereby lapsed.

Sec. 176.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....	\$5,000,463
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,250.	
Incident management team.....	\$16,202
<i>Provided</i> , That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.	
Civil air patrol – operating expenditures.....	\$35,308
Military activation payments.....	\$15,807

Provided, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, 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. 2012 Supp. 75-3228, and amendments thereto.

Kansas military emergency relief\$9,881

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 account.

Any unencumbered balance in excess of \$100 as of June 30, 2014, in each of the following accounts is hereby reappropriated for fiscal year 2015: Disaster relief.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....No limit
Office of emergency communications fund.....No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *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 above agency's communication equipment 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 above agency's communication equipment 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 office of emergency communications fund.

Conversion of materials and equipment fund – military division.....No limit
Adjutant general expense fund.....No limit
State asset forfeiture fund.....No limit
Emergency management – federal fund matching – administration fund.....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
Disaster reimbursement 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 fund.....	No limit
Homeland security FFY05 int federal fund.....	No limit
Pre-disaster mitigation – federal fund.....	No limit
State homeland security program federal fund.....	No limit
Nuclear safety emergency management fee fund.....	No limit

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 2015 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, K.S.A. 48-940 et seq., and amendments thereto.

Military fees fund – federal.....	No limit
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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.

Armories and units general fees fund.....	No limit
Emergency systems for advanced registration for volunteer health professionals – federal 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

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: *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 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.

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
 Safe and drug-free schools and communities national programs 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
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 2015 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2013 or 2014 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 2015, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, 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 2015 made by this or other appropriation act of the 2013 or 2014 regular session of the legislature.

(d) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$270,690 from the state highway fund of the department of transportation to the office of emergency communications fund of the adjutant general.

(e) On June 30, 2015, any unencumbered balance for the above agency in the disaster relief account of the state general fund is hereby lapsed.

Sec. 177.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund.....	\$3,354,744
<i>Provided</i> , That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000.	
Boiler inspection fee fund.....	No limit
Gifts, grants and donations fund.....	No limit
Hazardous material program fund.....	\$364,731
Intragovernmental service fund.....	No limit
Explosives regulatory and training fund.....	No limit
State fire marshal liquefied petroleum gas fee fund.....	\$157,028
Hazardous materials emergency fund.....	\$240,903

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2014 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 2014 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, 2013, and January 1, 2014, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$182,366 from the fire marshal fee fund of the state fire marshal to the hazardous material program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2014, 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, 2014, shall not exceed \$50,000.

(d) During the fiscal year ending June 30, 2014, 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 2014, 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 2014 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2014 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 2014 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, 2014, 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 2014, 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 2014 are insufficient to meet in full the estimated expenditures for fiscal year 2014 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 2014: *Provided*, That the aggregate amount of such transfers during fiscal year 2014 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 to the director of accounts and reports during fiscal year 2014, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 178.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund.....	\$3,291,929
<i>Provided</i> , That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000.	
Boiler inspection fee fund.....	No limit
Gifts, grants and donations fund.....	No limit
Hazardous material program fund.....	\$363,314
Intragovernmental service fund.....	No limit
Explosives regulatory and training fund.....	No limit
State fire marshal liquefied petroleum gas fee fund.....	\$157,742
Hazardous materials emergency fund.....	\$243,058

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2015 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 2015 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, 2014, and January 1, 2015, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$181,657 from the fire marshal fee fund of the state fire marshal to the hazardous material program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2015, 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, 2015, shall not exceed \$50,000.

(d) During the fiscal year ending June 30, 2015, 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 2015, 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 2015 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2015 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 2015 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, 2015, 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 2015, 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 2015 are insufficient to meet in full the estimated expenditures for fiscal year 2015 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 2015: *Provided*, That the aggregate amount of such transfers during fiscal year 2015 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 to the director of accounts and reports during fiscal year 2015, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 179.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in

the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law.

For patrol of Kansas turnpike fund.....No limit
Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor vehicle fund.....No limit
Department of justice – federal recovery act – Edward J. Byrne
memorial justice assistance grant program – federal fund.....No limit
Kansas highway patrol state forfeiture fund.....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
Cops grant – federal fund.....No limit
KHP federal forfeiture – federal fund.....No limit

Provided, That expenditures may be made from the KHP federal forfeiture – federal fund by the above agency for the capital improvement project or projects for troop F headquarters.

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 program – federal fund.....No limit
Buffer zone protection program – federal fund.....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

Provided, That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.

Motor carrier safety assistance program state fund.....No limit

Provided, 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

Provided, 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.

- 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

Provided, 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: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, 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: *And provided further*, 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.....\$53,989,285

Provided, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed \$3,000: *Provided further*, 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: *And provided further*, 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: *And provided further*, That expenditures shall be made from the Kansas highway patrol operations fund for a 5.0 percent pay increase for state troopers, excluding the colonel and lieutenant colonel, during fiscal year 2014.

- Highway patrol training center fund.....No limit

Provided, 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

(b) On or before the 10th of each month during the fiscal year ending June 30, 2014, 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.

(c) On July 1, 2013, and January 1, 2014, 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 \$650,000 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.

(d) On July 1, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$13,530,614.25 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 2014 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 2014 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2013, 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 \$295,000 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.

(f) On July 1, 2013, 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.

(g) On July 1, 2013, and January 1, 2014, 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 \$300,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund – on budget of the Kansas highway patrol.

Sec. 180.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter

lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....No limit
Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law.

For patrol of Kansas turnpike fund.....No limit
Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor vehicle fund.....No limit
 Department of justice – federal recovery act – Edward J. Byrne memorial justice assistance grant program – federal fund.....No limit
 Kansas highway patrol state forfeiture fund.....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
 Cops grant – federal fund.....No limit
 KHP federal forfeiture – federal fund.....No limit

Provided, That expenditures may be made from the KHP federal forfeiture – federal fund by the above agency for the capital improvement project or projects for troop F headquarters.

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 program – federal fund.....No limit
 Buffer zone protection program – federal fund.....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

Provided, That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.

Motor carrier safety assistance program state fund.....No limit
Provided, 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
Provided, 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.

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

Provided, 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: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, 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: *And provided further*, 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.....\$56,502,222

Provided, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed \$3,000: *Provided further*, 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: *And provided further*, 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

Provided, 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

(b) On or before the 10th of each month during the fiscal year ending June 30, 2015, 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.

(c) On July 1, 2014, and January 1, 2015, 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 \$650,000 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.

(d) On July 1, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, or as soon after each date as moneys are available, the director of accounts and reports shall transfer \$15,061,899 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 2015 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 2015 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$295,000 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.

(f) On July 1, 2014, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$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.

(g) On July 1, 2014, and January 1, 2015, 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 \$300,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund – on budget of the Kansas highway patrol.

Sec. 181.

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, 2014, the following:

Operating expenditures.....\$15,839,085
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated to the operating expenditures account for fiscal year 2014: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$750: *And provided further*; That expenditures shall be made from the operating expenditures account for the purposes of paying expenses of the Kansas bureau of investigation incurred in preparation and execution of the agreement authorized by this proviso: *And provided further*; That the Kansas bureau of investigation is authorized to enter into an agreement with Washburn university pursuant to which Washburn university will design, construct, and equip for the Kansas bureau of investigation a new forensic science laboratory and parking and other related premises at Washburn university: *And provided further*; That the Kansas bureau of investigation and the department of administration are authorized to negotiate and execute a lease with Washburn university for such forensic science laboratory.

Meth lab cleanup.....\$50,000
Provided, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund.....No limit
Provided, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including 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
Provided, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including 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
 Federal grants – marijuana eradication – federal fund.....No limit
 Criminal justice information system line fund.....\$743,390
 DNA database fund.....No limit
 Kansas bureau of investigation motor vehicle fund.....No limit

Provided, 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: *Provided further*; 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

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however*; That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (e) of K.S.A. 28-176, and amendments thereto: *Provided further*; That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

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; and (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. 182.

ATTORNEY GENERAL – KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$15,829,453

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated to the operating expenditures account for fiscal year 2015: *Provided, however*; That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

Meth lab cleanup.....\$250,000

Provided, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund.....No limit

Provided, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including 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

Provided, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including 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

Federal grants – marijuana eradication – federal fund.....No limit

Criminal justice information system line fund.....\$743,390

DNA database fund.....No limit

Kansas bureau of investigation motor vehicle fund.....No limit

Provided, 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: *Provided further*; 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

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however*; That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (e) of K.S.A. 28-176, and amendments thereto: *Provided further*; That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

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; and (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. 183.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund.....	No limit
Rural access to emergency devices grant – federal fund.....	No limit
Emergency medical services operating fund.....	\$1,301,755

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, 2014.

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 2014 by this or other appropriation act of the 2013 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 2014 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 or funds for the emergency medical services board for fiscal year 2014, as authorized by this or any other appropriation act of the 2013 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 or funds for the emergency medical services board for fiscal year 2014 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, 2013, and January 1, 2014, 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, 2014, 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 2014, 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 2014 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2014 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 2014 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, 2014, 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, 2014.

Sec. 184.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Rural health options grant fund.....No limit
- Rural access to emergency devices grant – federal fund.....No limit
- Emergency medical services operating fund.....\$1,301,782

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

Provided, That the priority for award of education incentive grants shall be to award such grants to rural areas.

- EMS revolving fund.....No limit

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, 2014.

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 2015 by this or other appropriation act of the 2013 or 2014 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 2015 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 or funds for the emergency medical services board for fiscal year 2015, as authorized by this or any other appropriation act of the 2013 or 2014 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 or funds for the emergency medical services board for fiscal year 2015 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, 2014, and January 1, 2015, 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, 2015, 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 2015, 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 2015 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2015 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 2015 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, 2015, 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, 2015.

Sec. 185.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....\$691,036

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Substance abuse treatment programs.....\$6,339,506

Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund.....No limit

Statistical analysis – federal fund.....No limit

Drug abuse fund – federal.....No limit

Sec. 186.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$687,030

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Substance abuse treatment programs.....\$6,339,506

Provided, That any unencumbered balance in the substance abuse treatment programs

account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- General fees fund.....No limit
- Statistical analysis – federal fund.....No limit
- Drug abuse fund – federal.....No limit

Sec. 187.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission on peace officers' standards and training fund.....\$528,351
- Provided*, That expenditures from the Kansas commission on peace officers' standards and training fund for official hospitality shall not exceed \$1,000.
- Local law enforcement training reimbursement fund.....No limit

Sec. 188.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Kansas commission on peace officers' standards and training fund.....\$527,899
- Provided*, That expenditures from the Kansas commission on peace officers' standards and training fund for official hospitality shall not exceed \$1,000.
- Local law enforcement training reimbursement fund.....No limit

Sec. 189.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

- Operating expenditures.....\$9,584,598
- Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated to the operating expenditures account for fiscal year 2014: *Provided further*; That expenditures from this account for official hospitality shall not exceed \$10,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- 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.....	No limit
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. 2012 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 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.....	No limit
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
State trade and export promotion – federal fund.....	No limit

FDA tissue residue – federal fund.....	No limit
USDA quality samples – federal fund.....	No limit
Conversion of materials and equipment fund.....	No limit
Trademark fund.....	No limit
Market development fund	No limit
<i>Provided</i> , That expenditures may be made from the market development fund for official hospitality: <i>Provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , That expenditures may be made from the reimbursement and recovery fund for official hospitality.	
Conference registration and disbursement fund.....	No limit
<i>Provided</i> , That expenditures may be made from the conference registration and disbursement fund for official hospitality.	
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
<i>Provided</i> , 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 fund	No limit
<i>Provided</i> , That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: <i>Provided further</i> , That expenditures shall be made from the animal dealers fee 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 fund	No limit
<i>Provided</i> , 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 fund	No limit

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
Environmental quality incentive program – federal fund	No limit
Disease control fund – federal.....	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 record keeping – 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.

Food safety fee fund.....	No limit
Gifts and donations fund.....	No limit

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 related thereto: *Provided further*, That such gifts and donations of money

shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the 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.

Lodging fee fund.....No limit

Watershed protect approach/WTR RSRCE MGT fund.....No limit

NRCS contribution agreement farm bill – federal fund.....No limit

Licensing online transition fund.....No limit

Provided, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2014 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, 2014.

Grain warehouse inspection fund.....No limit

Feral swine eradication fund.....No limit

Livestock market reporting fund.....No limit

Compliance education fee fund.....No limit

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 2014, 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

Arkansas river gaging fund.....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2014, for the water plan project or projects specified, the following:

Water resources cost share.....\$2,164,973

Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2014 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% of the budget amount for fiscal year 2014 for the water resources cost share account.

Nonpoint source pollution assistance.....	\$2,065,031
<i>Provided</i> , That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Conservation district aid.....	\$2,325,375
<i>Provided</i> , That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Watershed dam construction.....	\$640,544
<i>Provided</i> , That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: <i>Provided further</i> , That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.	
Lake restoration.....	\$286,868
<i>Provided</i> , That any unencumbered balance in the lake restoration account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Kansas water quality buffer initiatives.....	\$277,573
<i>Provided</i> , That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: <i>Provided further</i> , That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: <i>And provided further</i> , That such expenditures may be made from this account from the approved budget amount for fiscal year 2015 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.....	\$169,628
<i>Provided</i> , That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Basin management.....	\$690,023
<i>Provided</i> , That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Water use.....	\$61,683
<i>Provided</i> , That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Interstate water issues.....	\$497,351
<i>Provided</i> , That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.	
Conservation reserve enhancement program.....	\$499,578
<i>Provided</i> , That any unencumbered balance in the water transition assistance program/conservation reserve enhancement program account in excess of \$100 as of June 30, 2013, is hereby reappropriated to the conservation reserve enhancement program account for fiscal year 2014: <i>Provided further</i> , That, in addition, fiscal year 2014 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: *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 seven fiscal years 2008, 2009, 2010, 2011, 2012, 2013, and 2014 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 2014 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, fiscal year 2012, fiscal year 2013 and fiscal year 2014, to date, (ii) the acreage enrolled in CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013 and fiscal year 2014, to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013 and fiscal year 2014, 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, fiscal year 2012, fiscal year 2013 and fiscal year 2014, to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013 and fiscal year 2014, 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

(d) During the fiscal year ending June 30, 2014, the secretary of agriculture, 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, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2014 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2014 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, 2013, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$123,006 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, 2014, the following:

Agriculture marketing program.....\$570,832

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, 2013, the director of accounts and reports shall transfer \$300,000 from the compliance education fee fund of the Kansas department of agriculture to the state general fund.

Sec. 190.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$9,521,285

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated to the operating expenditures account for fiscal year 2015: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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.....No limit
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. 2012 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 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.....	No limit
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
State trade and export promotion – federal fund.....	No limit
FDA tissue residue – federal fund.....	No limit
USDA quality samples – federal fund.....	No limit
Conversion of materials and equipment fund.....	No limit
Trademark fund.....	No limit

- Market development fundNo limit
Provided, That expenditures may be made from the market development fund for official hospitality: *Provided further*, 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: *And 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
Provided, That expenditures may be made from the reimbursement and recovery fund for official hospitality.
- Conference registration and disbursement fund.....No limit
Provided, That expenditures may be made from the conference registration and disbursement fund for official hospitality.
- 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 fee 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
- 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
- Environmental quality incentive program – federal fundNo limit
- Disease control fund – federal.....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
- 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.

- Food safety fee fund.....No limit
- Gifts and donations fund.....No limit

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 related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the 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.

- Lodging fee fund.....No limit
- Watershed protect approach/WTR RSRCE MGT fund.....No limit
- NRCS contribution agreement farm bill – federal fund.....No limit
- Licensing online transition fund.....No limit

Provided, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2014 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, 2014.

- Grain warehouse inspection fund.....No limit
- Feral swine eradication fund.....No limit
- Livestock market reporting fund.....No limit
- Compliance education fee fund.....No limit

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 2015, 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
- Arkansas river gaging fund.....No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2015, for the water plan project or projects specified, the following:

- Water resources cost share.....\$1,948,289

Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2015 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 for the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0% of the budget amount for fiscal year 2015 for the water resources cost share account.

- Nonpoint source pollution assistance.....\$1,858,350

Provided, That any unencumbered balance in the nonpoint source pollution

assistance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Conservation district aid.....\$2,092,637

Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Watershed dam construction.....\$576,434

Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.

Lake restoration.....\$258,156

Provided, That any unencumbered balance in the lake restoration account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Kansas water quality buffer initiatives.....\$249,792

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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 2015 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.....\$152,651

Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Basin management.....\$620,961

Provided, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Water use.....\$55,509

Provided, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Interstate water issues.....\$447,573

Provided, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Conservation reserve enhancement program.....\$449,577

Provided, That any unencumbered balance in the conservation reserve enhancement program account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*; That, in addition, fiscal year 2015 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: *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 seven fiscal years 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015 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 2014 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, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, to date, (ii) the acreage enrolled in CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, 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, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008, fiscal year 2009, fiscal year 2010, fiscal year 2011, fiscal year 2012, fiscal year 2013, fiscal year 2014 and fiscal year 2015, 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.

(d) During the fiscal year ending June 30, 2015, the secretary of agriculture, 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, or upon specific authorization in an appropriation act of the legislature, may transfer any part of

any item of appropriation for fiscal year 2015 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2015 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, 2014, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$128,379 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, 2015, the following:

Agriculture marketing program.....\$575,110

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, 2014, the director of accounts and reports shall transfer \$200,000 from the compliance education fee fund of the Kansas department of agriculture to the state general fund.

Sec. 191.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and 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, 2014, the following:

State fair debt service.....\$341,331

Sec. 192.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and 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, 2015, the following:

State fair debt service.....\$315,831
 Sec. 193.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Water resources operating expenditures.....\$1,181,972

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *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, 2014, 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 2014, 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

Provided, That, on July 1, 2013, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$120 from the water supply storage acquisition fund to the state general fund.

State conservation storage water supply fund.....No limit

Water marketing fund.....No limit

EPA wetland grant – 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

Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

- Arkansas river water conservation projects fund.....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, 2014, for the state water plan project or projects specified, the following:

- Assessment and evaluation.....\$498,629

Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

- GIS data base development.....\$124,792

Provided, That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

- Weather modification program.....\$100,000

Provided, That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

- MOU – storage operations and maintenance.....\$322,099

Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

- Stream gaging.....\$479,230

Provided, That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

- Technical assistance to water users.....\$404,732

Provided, That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

- Wichita aquifer storage and recovery project.....\$499,166

Provided, That any unencumbered balance in the Wichita aquifer recovery project account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: Neosho river basin issues.

(d) During the fiscal year ending June 30, 2014, 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 2014 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2014 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, 2014, 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, 2014, 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, 2014, 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, 2014, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-1301 et seq., 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, 2014, 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 2014 by this or other appropriation act of the 2013 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 2014, 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. 194.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Water resources operating expenditures.....\$1,189,183

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *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, 2015, 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 2015, 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

Provided, That, on July 1, 2014, or as soon thereafter as moneys are available,

notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$120 from the water supply storage acquisition fund to the state general fund.

- State conservation storage water supply fund.....No limit
- Water marketing fund.....No limit
- EPA wetland grant – 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

Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

- Arkansas river water conservation projects fund.....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, 2015, for the state water plan project or projects specified, the following:

- Assessment and evaluation.....\$448,725

Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

- GIS data base development.....\$112,306

Provided, That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

- MOU – storage operations and maintenance.....\$289,889

Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

- Stream gaging.....\$431,282

Provided, That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

- Technical assistance to water users.....\$364,238

Provided, That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year

2015.

Wichita aquifer storage and recovery project.....\$449,225

Provided, That any unencumbered balance in the Wichita aquifer recovery project account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(d) During the fiscal year ending June 30, 2015, 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 2015 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2015 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, 2015, 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, 2015, 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, 2015, 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, 2015, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-1301 et seq., 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, 2015, 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 2015 by this or other appropriation act of the 2013 or 2014 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 2015, 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. 195.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, the following:

Operating expenditures.....	\$3,026,203
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: <i>Provided, however</i> ; That expenditures from this account for official hospitality shall not exceed \$1,000: <i>Provided further</i> ; 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 2014, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2014 to include a provision on the calendar year 2014 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: <i>And provided further</i> ; 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.	
State parks operating expenditures.....	\$884,040

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided, however*, that expenditures from this account for official hospitality shall not exceed \$1,000.

Travel and tourism operating expenditures.....\$1,739,098

Provided, That expenditures from the travel and tourism operating expenditures fund for official hospitality shall not exceed \$1,000.

Reimbursement for annual licenses issued to national guard members.....\$36,342

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, 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 2014 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.

Reimbursement for annual park permits issued to national guard members.....\$17,922

Provided, 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, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, 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 2014 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 further*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

Reimbursement for annual licenses issued to Kansas disabled veterans.....\$39,827

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, 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 2014 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%: *And provided further*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund.....\$25,998,361

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2014 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 2014: *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 may be made from the wildlife fee fund in an amount not to exceed \$2,108,000 for the fiscal year 2014 for the purposes of the hunting access and conservation habitat program for public hunting access.

Parks fee fund.....\$7,261,605

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2014 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 2014: *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.....\$873,350

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2014 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 2014: *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.....	\$846,456
Wildlife, parks and tourism nonrestricted fund.....	No limit
Prairie spirit rails-to-trails fee fund.....	No limit
Plant and animal disease and pest control fund.....	No limit
Nongame wildlife improvement fund.....	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
Feed the hungry fund.....	No limit
State wildlife grants fund.....	No limit
Boating safety financial assistance fund.....	No limit
Wildlife restoration fund.....	No limit
Sport fish restoration fund.....	No limit
Outdoor recreation acquisition, development and planning fund.....	No limit
Publication and other sales fund.....	No limit

Provided, That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2014, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures if necessary in order to comply with the

requirements established by the United States fish and wildlife service for utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2014: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and legislature as appropriate.

Free licenses and permits fund	No limit
Enforce underage drinking law fund.....	No limit
Migratory bird monitoring.....	No limit
Voluntary public access.....	No limit
EPA – sect 319 nonpoint source fund.....	No limit
Energy efficiency/conservation block grant fund.....	No limit
Endangered species – recovery fund.....	No limit
Wetlands reserve program fund.....	No limit

Sec. 196.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, the following:

Operating expenditures.....\$3,043,135

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, That expenditures from 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 2015, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2015 to include a provision on the calendar year 2015 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.

State parks operating expenditures.....\$893,429

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided, however*, that expenditures from this account for official hospitality shall not exceed \$1,000.

Travel and tourism operating expenditures.....\$1,744,075

Provided, That expenditures from the travel and tourism operating expenditures fund for official hospitality shall not exceed \$1,000.

Reimbursement for annual licenses issued to national guard members.....\$36,342

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, 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 2015 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.

Reimbursement for annual park permits issued to national guard members.....\$17,922

Provided, 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, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, 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 2015 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 further*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

Reimbursement for annual licenses issued to Kansas disabled veterans.....\$39,827

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015: *Provided further*, 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 2015 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%: *And provided further*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund.....\$24,003,137

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2015 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 2015: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate.

Parks fee fund.....\$7,284,260

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2015 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 2015: *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.....\$1,176,761

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2015 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 2015: *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.....\$851,441

Wildlife, parks and tourism nonrestricted fund.....No limit

Prairie spirit rails-to-trails fee fund.....No limit

Plant and animal disease and pest control fund.....No limit

Nongame wildlife improvement fund.....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
Feed the hungry fund.....	No limit
State wildlife grants fund.....	No limit
Boating safety financial assistance fund.....	No limit
Wildlife restoration fund.....	No limit
Sport fish restoration fund.....	No limit
Outdoor recreation acquisition, development and planning fund.....	No limit
Publication and other sales fund.....	No limit

Provided, That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2015, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures if necessary in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: *Provided further*; That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2015: *And provided further*; That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and legislature as appropriate.

Free licenses and permits fund.....	No limit
Enforce underage drinking law fund.....	No limit
Migratory bird monitoring.....	No limit
Voluntary public access.....	No limit
EPA – sect 319 nonpoint source fund.....	No limit
Energy efficiency/conservation block grant fund.....	No limit
Endangered species – recovery fund.....	No limit
Wetlands reserve program fund.....	No limit

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, 2014, 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.....\$2,500,000
 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 fundNo 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, 2014, 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 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 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
 Other federal grants fund.....No limit
 Kansas intermodal transportation revolving fund.....No limit
 Municipal university forensic laboratory fund.....No limit

Provided, That during the fiscal year ending June 30, 2014, expenditures shall be made by the above agency from the municipal university forensic laboratory fund for fiscal year 2014 to Washburn university to design, construct, and equip a new forensic science laboratory and parking and other related premises at Washburn university for

use by the Kansas bureau of investigation: *Provided further*, That such expenditures shall not exceed \$3,500,000.

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2014, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2014, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations.....\$256,543,244
Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto:

Conference fees.....No limit
Provided, 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: *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 conference fees account of the state highway fund: *And provided further*, 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
ClaimsNo limit
Payments for city connecting links.....\$3,360,000
Federal local aid programs.....No limit
Bond services fees.....No limit
Construction, remodeling and special maintenance projects for buildings.....\$0

Provided, 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, 2013, in capital improvement project accounts of projects approved for prior fiscal years: *Provided further*, 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 2014.

Other capital improvements.....No limit
Provided, 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 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair\$3,428,873
Buildings – reroofing.....\$165,675
Buildings – other construction, renovation and repair.....\$2,541,947

(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 2014, expenditures may be made by the above agency from the state highway fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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 2014 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2013, subject to the provisions of subsection (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 2014.

(d) During the fiscal year ending June 30, 2014, 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 2014 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 2014 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, 2014, 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, 2014, 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, 2014, 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 2014.

(h) For the fiscal year ending June 30, 2014, 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 the transportation works for Kansas program (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, 2013, October 1, 2013, January 1, 2014, and April 1, 2014, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$3,750,000 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 2014 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 2014.

(j)(1) On July 1, 2013, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,500,000 from the state highway fund of the department of transportation to the municipal university forensic laboratory fund of the department of transportation.

(2) On or before June 30, 2015, the transfer made in subsection (j)(1) shall be repaid in full to the state highway fund of the department of transportation by Washburn university. Such transfer of money 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. During fiscal year 2014, the secretary of transportation is hereby authorized to enter into an agreement with Washburn university to provide for the repayment of such transfer including other terms and conditions as may be prescribed by the secretary of transportation. Any such transfer may be repaid from the state general fund, any appropriate special revenue funds in the state treasury or any other source of funds of Washburn university. That all moneys received by the department of transportation for repayment of the transfer made under this subsection 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 highway fund.

Sec. 198.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund.....	No limit
<i>Provided</i> , 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.....	\$2,500,000
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, 2015, 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 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 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
- Other federal grants 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, 2015, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2014, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations.....\$259,050,575

Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto:

Conference fees.....No limit

Provided, 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: *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 conference fees account of the state highway fund: *And provided further*, 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

ClaimsNo limit

Payments for city connecting links.....\$3,360,000

Federal local aid programs.....No limit

Bond services fees.....No limit

Construction, remodeling and special maintenance projects for buildings.....\$0

Provided, 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, 2014, in capital improvement project

accounts of projects approved for prior fiscal years: *Provided further*, 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 2015.

Other capital improvements.....No limit

Provided, 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 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair	\$3,527,783
Buildings – reroofing.....	\$677,870
Buildings – other construction, renovation and repair.....	\$2,650,034

(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 2015, expenditures may be made by the above agency from the state highway fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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 2015 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2014, subject to the provisions of subsection (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 2015.

(d) During the fiscal year ending June 30, 2015, 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 2015 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 2015 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, 2015, 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, 2015, 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, 2015, 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 2015.

(h) For the fiscal year ending June 30, 2015, 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 the transportation works for Kansas program (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, 2014, October 1, 2014, January 1, 2015, and April 1, 2015, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$3,750,000 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 2015 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 2015.

Sec. 199. Expenditure limitations on salaries and wages for fiscal year 2014. (a) The amount of salaries and wages, and associated fringe benefits, expended from appropriations for fiscal year 2014 made in this or other appropriation act of the 2013 or 2014 regular session of the legislature for the following agencies shall not exceed the following:

Abstracters' Board of Examiners.....	\$20,096
Board of Accountancy.....	\$188,031
State Bank Commissioner.....	\$9,427,485
Kansas Board of Barbering.....	\$112,323
Behavioral Sciences Regulatory Board.....	\$499,740
State Board of Healing Arts.....	\$2,852,029
Kansas State Board of Cosmetology.....	\$547,849
State Department of Credit Unions.....	\$866,372
Kansas Dental Board.....	\$177,544
State Board of Mortuary Arts.....	\$199,517
Board of Examiners in Fitting and Dispensing of Hearing Instruments	\$20,763
Board of Nursing.....	\$1,614,926
Board of Examiners in Optometry.....	\$54,947
State Board of Pharmacy.....	\$699,062
Real Estate Appraisal Board.....	\$154,373
Kansas Real Estate Commission.....	\$677,300
Office of the Securities Commissioner of Kansas.....	\$2,370,493
State Board of Technical Professions.....	\$271,261
State Board of Veterinary Examiners.....	\$218,114
Governmental Ethics Commission.....	\$486,566
Kansas Home Inspectors Registration Board.....	\$5,922
Legislative Coordinating Council	\$552,879

Legislature.....	\$10,661,850
Legislative Research Department.....	\$3,485,903
Office of Revisor of Statutes.....	\$2,541,865
Division of Post Audit.....	\$1,984,785
Governor's Department.....	\$2,691,580
Lieutenant Governor.....	\$157,363
Attorney General.....	\$8,251,997
State Treasurer.....	\$2,231,657
Pooled Money Investment Board.....	\$423,050
Insurance Department.....	\$8,450,483
Department of Commerce.....	\$15,631,904
Health Care Stabilization Fund Board of Governors.....	\$1,351,825
Judicial Council.....	\$480,314
State Board of Indigents' Defense Services.....	\$11,597,191
Judicial Branch.....	\$121,951,100
Kansas Public Employees Retirement System.....	\$7,050,323
Kansas Human Rights Commission.....	\$1,180,931
State Corporation Commission.....	\$14,197,238
Citizens' Utility Ratepayer Board.....	\$479,305
Department of Administration.....	\$36,923,977
Office of Administrative Hearings.....	\$681,133
State Court of Tax Appeals.....	\$1,566,954
Department of Revenue.....	\$52,010,465
Kansas Lottery.....	\$5,671,174
Kansas Racing and Gaming Commission – state gaming agency.....	\$5,948,900
Department of Labor.....	\$25,248,032
Kansas Commission on Veterans Affairs.....	\$15,793,192
Department of Health and Environment.....	\$70,153,245
Kansas Department for Children and Families.....	\$141,526,140
Kansas Department for Aging and Disability Services.....	\$16,086,545
Kansas Neurological Institute.....	\$22,583,519
Larned State Hospital.....	\$48,722,572
Osawatomie State Hospital.....	\$22,202,310
Parsons State Hospital and Training Center.....	\$21,396,175
Rainbow Mental Health Facility.....	\$5,686,079
Kansas Guardianship Program.....	\$563,169
Department of Education.....	\$17,524,550
State Library.....	\$1,729,433
Kansas State School for the Blind.....	\$4,927,208
Kansas State School for the Deaf.....	\$8,213,726
State Historical Society.....	\$5,070,306
Department of Corrections.....	\$26,264,542
El Dorado Correctional Facility.....	\$24,804,068
Ellsworth Correctional Facility.....	\$12,212,402
Hutchinson Correctional Facility.....	\$26,639,963
Lansing Correctional Facility.....	\$35,508,823
Larned Correctional Mental Health Facility.....	\$9,585,820

Larned Juvenile Correctional Facility	\$7,114,598
Kansas Juvenile Correctional Complex	\$12,790,171
Norton Correctional Facility	\$14,302,668
Topeka Correctional Facility	\$12,998,369
Winfield Correctional Facility	\$10,963,583
Adjutant General.....	\$25,108,757
State Fire Marshal.....	\$3,277,991
Kansas Highway Patrol.....	\$58,193,122
Attorney General – Kansas Bureau of Investigation.....	\$19,336,302
Emergency Medical Services Board.....	\$718,660
Kansas Sentencing Commission.....	\$718,139
Kansas Commission on Peace Officers' Standards and Training.....	\$402,932
Kansas Department of Agriculture.....	\$22,238,096
State Fair Board.....	\$1,783,857
Kansas Water Office.....	\$1,442,338
Kansas Department of Wildlife, Parks and Tourism.....	\$29,561,040
Department of Transportation.....	\$157,622,611

(b) During the fiscal year ending June 30, 2014, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2014 made in this or other appropriation act of the 2013 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2014 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 200. Expenditure limitations on salaries and wages for fiscal year 2015. (a) The amount of salaries and wages, and associated fringe benefits, expended from appropriations for fiscal year 2015 made in this or other appropriation act of the 2013 or 2014 regular session of the legislature for the following agencies shall not exceed the following:

Abstracters' Board of Examiners.....	\$20,096
Board of Accountancy.....	\$189,491
State Bank Commissioner.....	\$9,513,813
Kansas Board of Barbering.....	\$110,406
Behavioral Sciences Regulatory Board.....	\$505,202
State Board of Healing Arts.....	\$2,897,885
Kansas State Board of Cosmetology.....	\$546,823
State Department of Credit Unions.....	\$888,189
Kansas Dental Board.....	\$178,914
State Board of Mortuary Arts.....	\$200,966
Board of Examiners in Fitting and Dispensing of Hearing Instruments	\$20,763
Board of Nursing.....	\$1,640,623
Board of Examiners in Optometry.....	\$55,285

State Board of Pharmacy.....	\$711,827
Real Estate Appraisal Board.....	\$155,484
Kansas Real Estate Commission.....	\$671,619
Office of the Securities Commissioner of Kansas.....	\$2,386,567
State Board of Technical Professions.....	\$273,263
State Board of Veterinary Examiners.....	\$218,114
Governmental Ethics Commission.....	\$494,114
Kansas Home Inspectors Registration Board.....	\$5,922
Legislative Coordinating Council	\$556,430
Legislature.....	\$10,765,423
Legislative Research Department.....	\$3,509,467
Office of Revisor of Statutes.....	\$2,541,865
Division of Post Audit.....	\$1,999,358
Governor's Department.....	\$2,695,568
Lieutenant Governor.....	\$157,674
Attorney General.....	\$8,099,999
State Treasurer.....	\$2,248,164
Pooled Money Investment Board.....	\$426,781
Insurance Department.....	\$8,511,124
Department of Commerce.....	\$15,745,864
Health Care Stabilization Fund Board of Governors.....	\$1,361,064
Judicial Council.....	\$483,243
State Board of Indigents' Defense Services	\$11,691,207
Judicial Branch.....	\$122,596,353
Kansas Public Employees Retirement System.....	\$7,145,151
Kansas Human Rights Commission.....	\$1,191,352
State Corporation Commission.....	\$14,194,333
Citizens' Utility Ratepayer Board.....	\$483,011
Department of Administration.....	\$37,206,458
Office of Administrative Hearings.....	\$686,407
State Court of Tax Appeals.....	\$1,578,395
Department of Revenue.....	\$52,435,818
Kansas Lottery.....	\$5,721,333
Kansas Racing and Gaming Commission	\$5,992,573
Department of Labor.....	\$25,433,336
Kansas Commission on Veterans Affairs.....	\$15,899,648
Department of Health and Environment	\$70,643,372
Kansas Department for Children and Families.....	\$142,673,797
Kansas Department for Aging and Disability Services.....	\$16,211,211
Kansas Neurological Institute.....	\$22,769,312
Larned State Hospital.....	\$52,387,485
Osawatomie State Hospital.....	\$23,599,845
Parsons State Hospital and Training Center.....	\$23,299,137
Rainbow Mental Health Facility.....	\$5,735,236
Kansas Guardianship Program.....	\$567,239
Department of Education	\$17,658,919
State Library	\$1,680,631

Kansas State School for the Blind.....	\$4,837,208
Kansas State School for the Deaf.....	\$8,313,280
State Historical Society.....	\$5,105,485
Department of Corrections.....	\$26,464,382
El Dorado Correctional Facility	\$24,999,900
Ellsworth Correctional Facility	\$12,311,616
Hutchinson Correctional Facility	\$26,861,184
Lansing Correctional Facility	\$35,810,630
Larned Correctional Mental Health Facility	\$9,664,986
Larned Juvenile Correctional Facility	\$7,171,493
Kansas Juvenile Correctional Complex	\$12,907,873
Norton Correctional Facility	\$14,421,678
Topeka Correctional Facility	\$13,111,883
Winfield Correctional Facility	\$11,048,883
Adjutant General.....	\$25,305,890
State Fire Marshal.....	\$3,296,431
Kansas Highway Patrol.....	\$59,536,225
Attorney General – Kansas Bureau of Investigation.....	\$19,428,281
Emergency Medical Services Board.....	\$856,872
Kansas Sentencing Commission.....	\$722,666
Kansas Commission on Peace Officers' Standards and Training.....	\$404,709
Kansas Department of Agriculture.....	\$22,387,608
State Fair Board.....	\$1,793,195
Kansas Water Office.....	\$1,453,362
Kansas Department of Wildlife, Parks and Tourism.....	\$29,753,691
Department of Transportation.....	\$158,855,627

(b) During the fiscal year ending June 30, 2015, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2015 made in this or other appropriation act of the 2013 or 2014 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2015 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 201. (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, 2014, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2014 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) Equal to \$354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2014 and for each of the 14 ensuing two-week periods thereafter; and (B) equal to \$354.15 for the two-week period which coincides with the biweekly payroll period which includes March 30, 2014, which is chargeable to fiscal year 2014 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 2014, 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 2014.

Sec. 202. (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, 2015, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2015 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) Equal to \$354.15 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2015 and for each of the 14 ensuing two-week periods thereafter; and (B) equal to \$354.15 for the two-week period which coincides with the biweekly payroll period which includes March 29, 2015, which is chargeable to fiscal year 2015 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 2015, 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 2015.

Sec. 203. No state agency named in this or any other appropriation act of the 2013 regular session of the legislature shall expend moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2013, 2014 and 2015, for the purpose of expanding eligibility for receipt of benefits under title XIX of the social security act, commonly known as medicaid, as provided for in the patient protection and affordable care act unless the legislature expressly consents to the expansion of medicaid services.

Sec. 204. (a) During the fiscal year ending June 30, 2014, no state agency named in chapter 175 of the 2012 Session Laws of Kansas or in this or other appropriation act of the 2013 regular session of the legislature shall expend any moneys appropriated for the fiscal year ending June 30, 2014, from the state general fund or in any special revenue fund or funds for such state agency by chapter 175 of the 2012 Session Laws of Kansas or by this or other appropriation act of the 2013 regular session of the legislature, for

acquisition of a new or used passenger car or truck as a replacement for a passenger car or truck owned by the state agency, unless:

(1) The motor vehicle being replaced has an unadjusted odometer reading of 120,000 miles or more for a passenger car or 140,000 miles or more for a truck; or

(2) the passenger car or truck being replaced requires repairs which are estimated to cost more than the amount equal to 30.0% of the replacement value of a new or used passenger car or truck of the same class, as the case may be, including parts and labor, in order to be safe to drive.

(b) Any state agency named in chapter 175 of the 2012 Session Laws of Kansas or in this or other appropriation act of the 2013 regular session of the legislature shall report on all vehicles requested to be replaced to the director of legislative research or such director's designee, including:

(1) Vehicle model;

(2) vehicle year;

(3) vehicle mileage;

(4) cost of replacement; and

(5) estimate of safety-related repairs necessary for a vehicle to be replaced.

(c) As used in this section:

(1) "State agency" means each state agency named in chapter 175 of the 2012 Session Laws of Kansas or in this or other appropriation act of the 2013 regular session of the legislature, except that state agency shall not include the Kansas highway patrol;

(2) "passenger car" has the meaning ascribed thereto in K.S.A. 8-1445, and amendments thereto; and

(3) "truck" has the meaning ascribed thereto in K.S.A. 8-1481, and amendments thereto.

Sec. 205. (a) During the fiscal year ending June 30, 2015, no state agency named in this or other appropriation act of the 2013 regular session of the legislature shall expend any moneys appropriated for the fiscal year ending June 30, 2015, from the state general fund or in any special revenue fund or funds for such state agency by this or other appropriation act of the 2013 regular session of the legislature, for acquisition of a new or used passenger car or truck as a replacement for a passenger car or truck owned by the state agency, unless:

(1) The motor vehicle being replaced has an unadjusted odometer reading of 120,000 miles or more for a passenger car or 140,000 miles or more for a truck; or

(2) the passenger car or truck being replaced requires repairs which are estimated to cost more than the amount equal to 30.0% of the replacement value of a new or used passenger car or truck of the same class, as the case may be, including parts and labor, in order to be safe to drive.

(b) Any state agency named in this or other appropriation act of the 2013 regular session of the legislature shall report on all vehicles requested to be replaced to the director of legislative research or such director's designee, including:

(1) Vehicle model;

(2) vehicle year;

(3) vehicle mileage;

(4) cost of replacement; and

(5) estimate of safety-related repairs necessary for a vehicle to be replaced.

(c) As used in this section:

(1) "State agency" means each state agency named in this or other appropriation act of the 2013 regular session of the legislature, except that state agency shall not include the Kansas highway patrol;

(2) "passenger car" has the meaning ascribed thereto in K.S.A. 8-1445, and amendments thereto; and

(3) "truck" has the meaning ascribed thereto in K.S.A. 8-1481, and amendments thereto.

Sec. 206. (a) During the fiscal year ending June 30, 2016, any state agency named in this or other appropriation act of the 2013 regular session of the legislature shall report on all passenger cars and trucks requested to be replaced to the director of legislative research or such director's designee, including:

(1) Vehicle model;

(2) vehicle year;

(3) vehicle mileage;

(4) cost of replacement; and

(5) estimate of safety-related repairs necessary for a vehicle to be replaced.

(c) As used in this section:

(1) "State agency" means each state agency named in this or other appropriation act of the 2013 regular session of the legislature, except that state agency shall not include the Kansas highway patrol;

(2) "passenger car" has the meaning ascribed thereto in K.S.A. 8-1445, and amendments thereto; and

(3) "truck" has the meaning ascribed thereto in K.S.A. 8-1481, and amendments thereto.

Sec. 207. (a) During the fiscal year ending June 30, 2013, the superintendent for the schools for the deaf and the blind, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2013 from the state general fund for the school for the deaf or the school for the blind to another item of appropriation for fiscal year 2013 from the state general fund for the school for the deaf or the school for the blind. The superintendent for the schools for the deaf and the blind 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.

(b) During the fiscal year ending June 30, 2014, the superintendent for the schools for the deaf and the blind, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2014 from the state general fund for the school for the deaf or the school for the blind to another item of appropriation for fiscal year 2014 from the state general fund for the school for the deaf or the school for the blind. The superintendent for the schools for the deaf and the blind 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.

(c) During the fiscal year ending June 30, 2015, the superintendent for the schools for the deaf and the blind, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2015 from the state general fund for the school for the deaf or the school for the blind to another item of appropriation for fiscal year 2015 from the state general fund for the school for the deaf or the school for the blind. The superintendent for the schools for the deaf and the blind 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. 208. (a) During fiscal year 2014 and fiscal year 2015, any state agency named in this or any other appropriation act of the 2013 or 2014 regular session of the legislature shall expend moneys appropriated from the state general fund or any special revenue fund or funds to allow all enrollees with intellectual or developmental disabilities using long-term services and supports providers to keep current providers on such enrollees' approved service plans, even if such providers are not in the network, for 180 days from January 1, 2014, or until a service plan is completed and either agreed upon by the enrollee or resolved through the appeals or a fair hearing process and implemented: *Provided*, That the enrollees using the intellectual or developmental disabilities residential providers shall be permitted to access such providers up to one year from January 1, 2014, regardless of contracting status: *Provided further*, That, during fiscal year 2014 and fiscal year 2015, the enrollees shall be permitted to keep such enrollees' targeted case managers as long as such targeted case managers are employed with the community developmental disability organizations or are employed through an organization that sub-contracts with community developmental disability organizations: *And provided further*, That the managed care organizations shall comply with the specific powers and duties of the community developmental disability organizations provided in Kansas statutes and rules and regulations: *And provided further*, That the managed care organizations shall contract with at least two providers serving each county for each covered long-term services and supports service in the benefit package for the enrollees with intellectual or developmental disabilities, unless the county has an insufficient number of providers licensed, certified or available to provide services in such county: *And provided further*, That the managed care organizations shall make at least three contract offers to all long-term services and supports providers to enrollees with intellectual or developmental disabilities at or above the state-set fee for service rate: *And provided further*, That the state shall conduct an educational tour to provide information for the intellectual or developmental disabilities enrollees and long-term services and supports providers during calendar year 2014: *And provided further*, That the state shall review the intellectual or developmental disabilities service planning process of each managed care organization by accompanying managed care organization employees on a portion of their appointments to observe and assist in service plan development during the first 180 days of calendar year 2014: *And provided further*, That, during fiscal year 2014 and fiscal year 2015, the state shall conduct training for each managed care organization to ensure that such managed care organization has an understanding of the Kansas developmental disabilities services system: *And provided further*, That the KanCare advisory council shall continue its function to provide the state with on-going insight and recommendation on implementation of KanCare with periodic updates of membership to ensure adequate representation of individuals receiving the long-term services and supports as well as other eligibility groups.

(b) During fiscal year 2014 and fiscal year 2015, the Kansas department for aging and disability services may expend moneys appropriated from the state general fund or any special revenue fund or funds to review and approve all plans of care for individuals with intellectual or developmental disabilities using MR/DD waiver long-term services and supports for which a reduction, suspension or termination of such services is proposed: *Provided*, That the Kansas department for aging and disability

services shall report to the legislature prior to the 2015 regular session on the number of reductions, suspensions and terminations of services for individuals with intellectual or developmental disabilities that were reviewed and the number of reductions, suspensions and terminations that were approved or denied by the agency.

Sec. 209. (a) On June 30, 2013, the director of accounts and reports shall determine and notify the director of the budget, if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year June 30, 2013, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2013, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2013. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this subsection. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 210.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, 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, 2013, is hereby reappropriated for fiscal year 2014.

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, 2013, is hereby reappropriated for fiscal year 2014.

Replace Docking chillers.....\$23,200

National bio and agro-defense facility – debt service.....\$6,054,305

Kansas department of transportation – CTP – debt service.....\$16,148,425

Statehouse improvements – debt service.....\$22,835,804

Capitol complex repair and rehabilitation.....\$2,058,075

Restructuring debt service.....\$2,220,676

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Statehouse improvements – debt service.....\$1,274,501

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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 area plaza authority planning fund.

(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 2014, 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 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements and repair.....	No limit
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(e) 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 2014, expenditures may be made by the above agency from the building and ground fund for fiscal year 2014 from any unencumbered balance as of June 30, 2013, 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 2014 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2013: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2014 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 2014.

(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 2014, 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 2014 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 2014.

(g) 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 2014,

expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014.

(h) 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 2014, 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 2014 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 serviceNo limit
- Eisenhower building purchase and renovation – debt service.....No limit

(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service depreciation reserve fund for fiscal year 2014, 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 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Rehabilitation and repair.....\$75,000
- Sec. 211.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

- 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, 2014, is hereby reappropriated for fiscal year 2015.

- 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, 2014, is hereby reappropriated for fiscal year 2015.

- National bio and agro-defense facility – debt service.....\$6,056,874
- Kansas department of transportation – CTP – debt service.....\$16,146,050
- Statehouse improvements – debt service.....\$20,987,985
- Capitol complex repair and rehabilitation.....\$2,058,075
- Restructuring debt service.....\$3,545,851

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

- Statehouse improvements – debt service.....\$3,119,748

(c) There is appropriated for the above agency from the following special revenue

fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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
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 area plaza authority planning fund.

(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 2015, 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 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements and repair.....	No limit
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(e) 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 2015, expenditures may be made by the above agency from the building and ground fund for fiscal year 2015 from any unencumbered balance as of June 30, 2014, 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 2015 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2014: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2015 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 2015.

(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 2015, 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 2015 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 2015.

(g) 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 2015, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015.

(h) 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 2015, 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 2015 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

(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service depreciation reserve fund for fiscal year 2015, 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 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....	\$75,000
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Sec. 212.

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 2014, 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 2014, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430 Topeka facilities.....	\$136,400
Rehabilitation and repair.....	No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund for fiscal year 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2014, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair.....	No limit
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Sec. 213.

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 2015,

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 2015, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Debt service – 1430 Topeka facilities.....\$136,775
- Rehabilitation and repair.....No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund for fiscal year 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2015, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

- Rehabilitation and repair.....No limit
- Sec. 214.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now 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
- Sec. 215.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now 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
- Sec. 216.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

- Rehabilitation and repair projects.....\$3,000,000

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2014 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further*; That expenditures also may be made from this account during fiscal year 2014 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

- Debt service – new state security hospital\$3,845,150
- Debt service – state hospitals rehabilitation and repair.....\$2,549,894
- Larned state hospital – city of Larned wastewater treatment.....\$129,620

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.

Parsons state hospital and training center – energy conservation improvement debt service.....\$66,279
Sec. 217.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....\$3,000,000

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2015 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further*, That expenditures also may be made from this account during fiscal year 2015 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Debt service – new state security hospital\$3,845,150

Debt service – state hospitals rehabilitation and repair.....\$2,549,894

Larned state hospital – city of Larned wastewater treatment.....\$129,620

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.

Parsons state hospital and training center – energy conservation improvement debt service.....\$48,894

(b) The appropriation from the state institutions building fund to the renovations at rainbow mental health facility account for the fiscal year ending June 30, 2012, by section 35(g) of chapter 175 of the 2012 Session Laws of Kansas, reappropriated for the fiscal year ending June 30, 2013, by section 180 of chapter 175 of the 2012 Session Laws of Kansas, and reappropriated for the fiscal year ending June 30, 2014, by section 276(a), shall not lapse until the best service model for the rainbow mental health facility catchment area is determined.

Sec. 218.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 during fiscal year 2014 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 2014 as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2014 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 in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further*, That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2014 by this or other appropriation act of the 2013 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 2014, expenditures may be made by the above agency from the special employment security fund for fiscal year 2014 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 2014 for such capital improvement purposes shall not exceed \$205,597: *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 2014.

Sec. 219.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 during fiscal year 2015 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 2015 as authorized by this or other appropriation act of the 2013 or 2014 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2015 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 in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further;* That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2015 by this or other appropriation act of the 2013 or 2014 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 2015, expenditures may be made by the above agency from the special employment security fund for fiscal year 2015 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 2015 for such capital improvement purposes shall not exceed \$205,597: *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 2015.

Sec. 220.

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, 2014, for the capital improvement project or

projects specified, the following:

Soldiers' home rehabilitation and repair projects.....	\$683,553
Veterans' home rehabilitation and repair projects.....	\$862,000

Sec. 221.

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, 2015, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects.....	\$382,253
Veterans' home rehabilitation and repair projects.....	\$250,000

Sec. 222.

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, 2014, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$129,000
Security system upgrade project.....	\$116,023
Facilities conservation improvement debt service.....	\$35,134
Health center roof replacement.....	\$102,050
Maintenance building roof replacement.....	\$160,230

Sec. 223.

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, 2015, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$129,000
Security system upgrade project.....	\$116,023
Facilities conservation improvement debt service.....	\$35,134
Health center roof replacement.....	\$102,050
Maintenance building roof replacement.....	\$160,230

Sec. 224.

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, 2014, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$225,000
Roth building repairs.....	\$670,675
Facilities conservation improvement debt service.....	\$72,202

Sec. 225.

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, 2015, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....	\$225,000
Roth building repairs.....	\$670,675
Facilities conservation improvement debt service.....	\$72,202

Sec. 226.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Rehabilitation and repair projects.....\$250,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the historic preservation grants in aid fund for fiscal year 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the historic preservation grants in aid fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Red rocks historical site repair.....\$34,757

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the historic preservation grants in aid fund for fiscal year 2014.

(c) In addition to other purposes for which expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the highway planning/construction fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Kaw mission rehabilitation.....\$550,000

Historical society nature trail improvements.....\$90,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway planning/construction fund for fiscal year 2014.

(d) 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 2014, 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 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shawnee indian mission restoration.....\$485,000

Cottonwood ranch stone wall repair.....\$40,000

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 2014.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2014, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the historic properties fee fund for fiscal year 2014.

(f) 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 2014, expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the state historical facilities fund for fiscal year 2014.

(g) 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 2014, expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(h) 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 2014, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund for fiscal year 2014, expenditures may be made by the above agency from the historical preservation grant in aid fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, in each existing capital improvement account of the historical preservation grant in aid 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, 2013: *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 preservation grant in aid fund for fiscal year 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the historical preservation grant in aid fund for fiscal year 2014.

Sec. 227.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Rehabilitation and repair projects.....\$250,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) In addition to other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund for fiscal year 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shawnee indian mission restoration..... \$585,000
Hollenberg Station exterior siding preservation.....\$35,000
Mine Creek exterior cleaning.....\$30,000
Cottonwood ranch stone wall repair.....\$30,000

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 2015.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2015, expenditures may be made by the above agency from the historic properties fee fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the historic properties fee fund for fiscal year 2015.

(d) 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 2015, expenditures may be made by the above agency from the state historical facilities fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the state historical facilities fund for fiscal year 2015.

(e) 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 2015, expenditures may be made by the above agency from the save America's treasures fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(f) 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 2015, expenditures may be made by the above agency from the historical society capital improvement fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund for fiscal year 2015, expenditures may be made by the above agency from the historical preservation grant in aid fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, in each existing capital improvement account of the historical preservation grant in aid 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, 2014: *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 preservation grant in aid fund for fiscal year 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the historical preservation grant in aid fund for fiscal year 2015.

Sec. 228.

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, 2014, 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

(b) During the fiscal year ending June 30, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013 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, 2012.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund or the housing system repairs, equipment and improvement fund during the fiscal years ending June 30, 2013, or June 30, 2014, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund or the housing system repairs, equipment and improvement fund during fiscal year 2013 or fiscal year 2014 for a capital improvement project to plan, construct and remodel Singular/Trusler residence hall.

Sec. 229.

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, 2015, 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

(b) During the fiscal year ending June 30, 2015, 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 by any provision of this or other appropriation act of the 2013 or 2014 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, 2013.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund or the housing system repairs, equipment and improvement fund during the fiscal years ending June 30, 2014, or June 30, 2015,

expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund or the housing system repairs, equipment and improvement fund during fiscal year 2014 or fiscal year 2015 for a capital improvement project to plan, construct and remodel Singular/Trusler residence hall.

Sec. 230.

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, 2014, 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
- Soccer facility fundNo limit
- Wind power generation facility fund.....No limit
- Indoor practice facility.....No limit

(b) During the fiscal year ending June 30, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013 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, 2012.

Sec. 231.

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, 2015, 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
- Soccer facility fundNo limit
- Wind power generation facility fund.....No limit
- Indoor practice facility.....No limit

(b) During the fiscal year ending June 30, 2015, 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 by any provision of this or other appropriation act of the 2013

or 2014 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, 2013.

Sec. 232.

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, 2014, 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
- Deferred maintenance support fund.....No limit
- Snyder family stadium construction fund.....No limit

(b) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified as follows:

- College of architecture renovation fund..... \$1,000,000

(c) During the fiscal year ending June 30, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013 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, 2012.

(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 2013 or fiscal year 2014 as authorized by this or other appropriation act of the 2013 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 2013 or fiscal year 2014 to raze building no. 224 (food animal barn and shed).

(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 2014 or fiscal year 2015 authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct student housing at Salina: *Provided*, That such

capital improvement project is hereby approved for Kansas state university for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the money 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 \$6,000,000, 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 interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*, That Kansas state university may make provisions for the maintenance of the student housing at Salina.

(f) 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 2014 or fiscal year 2015 authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct and renovate student housing at Kansas state university: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the money 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 \$45,000,000, 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 interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*, That Kansas state university may make provisions for the maintenance of the student housing.

(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 2014 or fiscal year 2015

authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct a school of business building at Kansas state university: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the money 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 interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*, That Kansas state university may make provisions for the maintenance of the school of business building.

Sec. 233.

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, 2015, 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
Deferred maintenance support fund.....	No limit
Snyder family stadium construction fund.....	No limit

(b) During the fiscal year ending June 30, 2014, 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 by any provision of this or other appropriation act of the 2013 or 2014 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, 2013.

(c) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or fiscal year 2015 as

authorized by this or other appropriation act of the 2013 or 2014 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 2014 or fiscal year 2015 to raze building no. 224 (food animal barn and shed).

Sec. 234.

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, 2014, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2014 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. 235.

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, 2015, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2015 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. 236.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

Armory/classroom/recreation center debt service.....	\$322,799
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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, 2014, 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
Student health center – private gifts fund.....	No limit

(c) During the fiscal year ending June 30, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013

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, 2012.

(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 fiscal year 2014 or fiscal year 2015 authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 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 fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for improvements and construction of the student center, physical education center, and performing arts center at Pittsburg state university: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Pittsburg state university may make expenditures from the money 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 \$24,000,000, 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 interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*, That Pittsburg state university may make provisions for the maintenance of the buildings.

Sec. 237.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, the following:

Armory/classroom/recreation center debt service.....\$325,199

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Horace Mann renovation revenue fund.....No limit
Overman renovation revenue fund.....No limit
Deferred maintenance support fund.....No limit
Student health center – private gifts fund.....No limit

(c) During the fiscal year ending June 30, 2015, 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 by any provision of this or other appropriation act of the 2013 or 2014 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, 2013.

Sec. 238.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified as follows:

School of pharmacy debt service.....	\$1,632,674
School of pharmacy debt service 2009.....	\$2,493,226

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 transfer moneys during fiscal year 2014 from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance support fund.....	No limit
Child care facility operations account fund.....	No limit
Child care facility student fee account fund.....	No limit
Student recreation & fitness center revenue fund.....	No limit
Child care facility addition fund.....	No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2014 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.

(c) During the fiscal year ending June 30, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013 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,

2012.

(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 fiscal year 2014 or fiscal year 2015 authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for construction of the school of business building at the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the money 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 \$66,000,000, 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 interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas may make provisions for the maintenance of the building.

(e) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or fiscal year 2015 authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for construction of the replacement for McCollum residence hall at the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the money 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 \$49,000,000, 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 interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*, That the university of Kansas may make provisions for the maintenance of the building.

Sec. 239.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified as follows:

School of pharmacy debt service.....\$1,631,240
 School of pharmacy debt service 2009.....\$2,493,677

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund.....No limit
 Student health facility maintenance, repair, and equipment fee fundNo 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 transfer moneys during fiscal year 2015 from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance support fund.....No limit
 Child care facility operations account fund.....No limit
 Child care facility student fee account fund.....No limit
 Student recreation & fitness center revenue fund.....No limit
 Child care facility addition fund.....No limit

Provided, That the university of Kansas may transfer moneys during fiscal year 2015 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.

(c) During the fiscal year ending June 30, 2015, 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 by any provision of this or other appropriation act of the 2013 or 2014 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, 2013.

Sec. 240.

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, 2014, 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
- Construct parking facility #4 fund.....No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2014 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.

(b) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified as follows:

- Health education building fund..... \$1,000,000

(c) During the fiscal year ending June 30, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013 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, 2012.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or fiscal year 2015 authorized by this or other appropriation act of the 2013 regular session of the legislature or by any appropriation act of the 2014 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 or for fiscal year 2015 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project construction of the health education building at the university of Kansas medical center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purpose of subsection (b) of K.S.A. 74-8405, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*; That the university of Kansas medical center may make expenditures from the money 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 \$35,000,000, 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 interest on the bonds: *And provided further*; That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*; That debt service for any such bonds for such capital improvement projects shall be financed by appropriations for any appropriate special revenue fund or funds: *And provided further*; That the university of Kansas medical center may make provisions for the maintenance of the buildings.

Sec. 241.

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, 2015, 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
- Construct parking facility #4 fund.....No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2015 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.

(b) During the fiscal year ending June 30, 2015, 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 by any provision of this or other appropriation act of the 2013 or 2014 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, 2013.

Sec. 242.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

- Aviation research debt service.....\$1,647,674

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- 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, 2014, 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 142(d) of chapter 175 of the 2012 Session Laws of Kansas or by any provision of this or other appropriation act of the 2013 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, 2012.

Sec. 243.

WICHITA 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, 2015, 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 – K DFA B bonds.....No limit
- Parking system project – maintenance fund, K DFA revenue bonds.....No limit
- On campus parking principal and interest fund – K DFA B bonds.....No limit
- Parking system project revenue fund – K DFA bonds.....No limit
- WSU housing system surplus fund.....No limit
- Deferred maintenance support fund.....No limit
- Infrastructure maintenance fund.....No limit

(b) During the fiscal year ending June 30, 2015, 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 by any provision of this or other appropriation act of the 2013 or 2014 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, 2013.

Sec. 244.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, the following:

- PEI infrastructure – debt service.....\$5,694,875

Provided, That, during the fiscal year ending June 30, 2014, 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 2014 in the PEI infrastructure – debt service account of the state general fund for fiscal year 2014 after the principal payment has been received for fiscal year 2014 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 2014 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 2014 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 2014 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 2014 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 2014: *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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Postsecondary educational infrastructure finance K DFA 2008A revenue fund	No limit
Research bond debt services fund.....	No limit

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified as follows:

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. \$35,000,000

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, including planning and new construction, 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: *And provided however*; That the state board of regents shall allocate the amount of money of each such transfer to be expended by the institution using the adjusted gross square footage calculation of mission critical buildings for fiscal year 2014.

Sec. 245.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the

fiscal year ending June 30, 2015, the following:

PEI infrastructure – debt service.....\$5,519,875

Provided, That, during the fiscal year ending June 30, 2015, 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 2015 in the PEI infrastructure – debt service account of the state general fund for fiscal year 2015 after the principal payment has been received for fiscal year 2015 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 2015 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 2015 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 2015 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 2015 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 2015: *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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Postsecondary educational infrastructure finance K DFA
2008A revenue fundNo limit
Research bond debt services fund.....No limit

(c) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified as follows:

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..... \$35,000,000

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, including planning and new construction, 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: *And provided however*, That the state board of regents shall allocate the amount of money of each such transfer to be expended by the institution using the adjusted gross square footage calculation of mission critical buildings for fiscal year 2015.

Sec. 246.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issue.....	\$1,037,000
Debt service payment for the reception and diagnostic unit relocation bond issue.....	\$1,398,638

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issues.....	\$500,000
Capital improvements – rehabilitation and repair of correctional institutions.....	\$4,622,480

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2014 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 2014 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.....	\$128,521
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(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities.....	\$1,164,822
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Provided, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2014 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 secretary of the department of corrections to be expended during fiscal year 2014 for capital improvement projects approved by the secretary: *Provided further*, That the secretary of the department 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 the budget and the director of legislative research.

Debt service – Topeka complex and Larned juvenile correctional facility.....\$3,997,900

(d) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 as authorized by this or other appropriation act of the 2013 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2014 to raze building no. 175 (hog finishing house).

Sec. 247.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issue.....\$1,043,850
Debt service payment for the reception and diagnostic unit relocation bond issue.....\$1,403,750

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure projects bond issues.....\$500,000
Capital improvements – rehabilitation and repair of correctional institutions.....\$4,140,675

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2015 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 2015 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.....\$126,325

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of juvenile correctional facilities.....\$993,727

Provided, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2015 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 secretary of the department of corrections to be expended during fiscal year 2015 for capital improvement projects approved by the secretary: *Provided further*, That the secretary of the department 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 the budget and the director of legislative research.

Debt service – Topeka complex and Larned juvenile correctional facility...\$3,998,825
 Sec. 248.

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, 2014, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....\$100,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Sec. 249.

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, 2015, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects.....\$100,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Sec. 250.

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 2014, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Rehabilitation and repair – training center – Salina.....\$53,902

Roof replacement – Salina.....\$153,770

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 2014.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2014, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service – vehicle inspection facility – Olathe.....\$63,000

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 2014.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2014, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service – Topeka fleet service.....\$372,200

Scale replacement and rehabilitation and repair of buildings.....\$237,000

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 2014.

(d) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$609,200 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 2014 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 2014 for support and maintenance of the Kansas highway patrol.

Sec. 251.

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 2015, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Rehabilitation and repair – training center – Salina.....\$54,706

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 2015.

(b) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2015, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service – Topeka fleet service.....\$366,819

Scale replacement and rehabilitation and repair of buildings.....\$243,000

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 2015.

(c) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$609,819 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 2015 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 2015 for support and maintenance of the Kansas highway patrol.

Sec. 252.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Debt service – training center.....\$723,231

Debt service – armory/classroom/recreation center at PSU.....\$117,988

Debt service – rehabilitation and repair of the statewide armories.....\$2,776,052
 Rehabilitation and repair projects.....\$173,137
Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

Sec. 253.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Debt service – training center.....\$722,613
 Debt service – armory/classroom/recreation center at PSU.....\$115,188
 Debt service – rehabilitation and repair of the statewide armories.....\$2,741,373
 Rehabilitation and repair projects.....\$173,884

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

Sec. 254.

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, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund.....No limit
 State fair fee fund.....No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$15,000.

(b) On or before the 10th of each month during the fiscal year ending June 30, 2014, 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.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

State fair bonded debt service.....\$510,000

Sec. 255.

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, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund.....No limit
 State fair fee fund.....No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$15,000.

(b) On or before the 10th of each month during the fiscal year ending June 30, 2015, 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.

(c) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

State fair bonded debt service.....\$535,000
Sec. 256.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2014, for the capital improvement project or projects specified, the following:

Debt service – Kansas City district office.....\$6,600

Provided, That any unencumbered balance in the debt service – Kansas City district office account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2014, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund.....No limit

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

(c) On July 1, 2013, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,235,885 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, 2013, 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 2014, 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 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....\$560,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state agricultural production fund for fiscal year 2014.

(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 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and repair projects.....\$500,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2014.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2014, expenditures may be made by the above agency from the parks fee fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2014.

(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 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City district office.....\$10,400

River access.....\$100,000

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 2014.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2014, expenditures may be made by the above agency from the boating fee fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2014.

(j) 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 2014, expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(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 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development.....	\$100,000
Land acquisition.....	\$300,000
Federally mandated boating access	\$1,033,000
Public lands major maintenance.....	\$35,000
Debt service – Kansas City office.....	\$43,000

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 2014.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2014, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2014.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2014, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2014.

(n) In addition to other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2014 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 2014.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2014, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2014.

(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 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development.....\$450,000

Public lands major maintenance.....\$60,000

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 2014.

(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 2014, expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife restoration fund for fiscal year 2014.

(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 2014, 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 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....\$695,000

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 2014.

(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 2014, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *Provided further*, 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 2014 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 2014.

(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 2014, 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 2014 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 2014.

(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 2014, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(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 2014, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund for fiscal year 2014.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the plant and animal disease and pest control fund for fiscal year 2014, expenditures may be made by the above agency from the plant and animal disease and pest control fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, in each existing capital improvement account of the plant and animal disease and pest control 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, 2013: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the plant and animal disease and pest control fund for fiscal year 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the plant and animal disease and pest control fund for fiscal year 2014.

(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 2014, expenditures may be made by the above agency from the land and water conservation fund – local for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(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 2014, 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 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Outdoor recreation acquisition/development/planning
 operations and maintenance.....\$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 2014.

(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 2014, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(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 2014, 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 2014 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 2014.

(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 2014, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the recreational trails program fund for fiscal year 2014.

(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 2014, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2014 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....\$187,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the federally licensed wildlife areas fund for fiscal year 2014.

(dd) 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 2014, expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(ee) 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 2014, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 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 2014.

(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 2014, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the highway planning/construction fund for fiscal year 2014.

(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 2014, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2014 from the unencumbered balance as of June 30, 2013, 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, 2013: *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 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the state wildlife grants fund for fiscal year 2014.

(hh) In addition to the other purposes for which expenditures may be made by the above agency from the disaster grants – public assistance for fiscal year 2014, expenditures may be made by the above agency from the disaster grants – public assistance for fiscal year 2014 from the unencumbered balance as of June 30, 2013, in each existing capital improvement account of the disaster grants – public assistance:

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, 2013: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the disaster grants – public assistance for fiscal year 2014 and shall be in addition to any other expenditure limitation imposed on any such account of the disaster grants – public assistance for fiscal year 2014.

Sec. 257.

KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2015, for the capital improvement project or projects specified, the following:

Debt service – Kansas City district office.....\$7,150

Provided, That any unencumbered balance in the debt service – Kansas City district office account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund.....No limit

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

(c) On July 1, 2014, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,591,432 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, 2014, 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 2015, 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 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....\$563,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state agricultural production fund for fiscal year 2015.

(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 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the

parcs fee fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parcs rehabilitation and repair projects.....\$500,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2015.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2015, expenditures may be made by the above agency from the parks fee fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2015.

(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 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City district office.....\$11,050

River access.....\$100,000

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 2015.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2015, expenditures may be made by the above agency from the boating fee fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2015.

(j) 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 2015, expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(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 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development.....	\$100,000
Land acquisition.....	\$300,000
Federally mandated boating access	\$1,100,000
Public lands major maintenance.....	\$35,000
Debt service – Kansas City office.....	\$46,800

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 2015.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2015, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2015.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2015, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2015.

(n) In addition to other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation.....	\$300,000
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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 2015.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2015, expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the cabin revenue fund for fiscal year 2015.

(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 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition and development.....	\$400,000
Public lands major maintenance.....	\$60,000

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 2015.

(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 2015, expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife restoration fund for fiscal year 2015.

(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 2015, 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 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....	\$140,000
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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 2015.

(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 2015, expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *Provided further*, 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 2015 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 2015.

(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 2015, 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 2015 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 2015.

(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 2015, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(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 2015, expenditures may be made by the above agency from the nongame wildlife improvement fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the nongame wildlife improvement fund for fiscal year 2015.

(w) In addition to the other purposes for which expenditures may be made by the

above agency from the plant and animal disease and pest control fund for fiscal year 2015, expenditures may be made by the above agency from the plant and animal disease and pest control fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, in each existing capital improvement account of the plant and animal disease and pest control 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, 2014: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the plant and animal disease and pest control fund for fiscal year 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the plant and animal disease and pest control fund for fiscal year 2015.

(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 2015, expenditures may be made by the above agency from the land and water conservation fund – local for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(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 2015, 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 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Outdoor recreation acquisition/development/planning
 operations and maintenance.....\$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 2015.

(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 2015, expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(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 2015, 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 2015 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 2015.

(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 2015, expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the recreational trails program fund for fiscal year 2015.

(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 2015, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2015 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Public lands major maintenance.....\$187,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the federally licensed wildlife areas fund for fiscal year 2015.

(dd) 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 2015, expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(ee) 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 2015, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 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 2015.

(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 2015, expenditures may be made by the above agency from the highway planning/construction fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the highway planning/construction fund for fiscal year 2015.

(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 2015, expenditures may be made by the above agency from the state wildlife grants fund for fiscal year 2015 from the unencumbered balance as of June 30, 2014, 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, 2014: *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 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the state wildlife grants fund for fiscal year 2015.

(hh) In addition to the other purposes for which expenditures may be made by the above agency from the disaster grants – public assistance for fiscal year 2015, expenditures may be made by the above agency from the disaster grants – public assistance for fiscal year 2015 from the unencumbered balance as of June 30, 2014, in each existing capital improvement account of the disaster grants – public assistance: *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, 2014: *Provided further*; That all expenditures from the

unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the disaster grants – public assistance for fiscal year 2015 and shall be in addition to any other expenditure limitation imposed on any such account of the disaster grants – public assistance for fiscal year 2015.

Sec. 258. (a) During the fiscal year ending June 30, 2014, in accordance with the provisions of K.S.A. 2012 Supp. 32-833, and amendments thereto, the secretary of wildlife, parks and tourism is hereby authorized to acquire by purchase the following tracts of land located in Jefferson county, Kansas, more particularly described as:

Tract 1: All of the North half of the South East Quarter, Section 10, Township 11 South, Range 19 East lying East of the center of County Road, EXCEPT a tract described as follows: Beginning at a point on the South line of the North half of the SouthEast Quarter, 935.65 feet more or less West of the South East corner of the North half of the South East Quarter, thence West along said South line 556.76 feet to center of County Road, thence North 12 degrees 02 minutes 23 seconds West 800 feet, thence North 90 degrees 00 minutes 00 seconds East 556.76 feet, thence South 12 degrees 02 minutes 23 seconds East 800 feet more or less to the point of beginning, containing 39.73 acres more or less and subject to any easement of record.

Tract 2: The Northeast Quarter (NE 1/4) of Section Ten (10), Township Eleven South (T11S), Range Nineteen East (R19E) of the 6th P.M., in Jefferson County, Kansas.

Tract 3: All that part of the South 1/2 of the Southeast 1/4 of Section 10, Township 11 South, Range 19 East of the 6th P.M., Jefferson County, Kansas, lying East of the County Road. Contains 50 acres, more or less.

Tract 4: A tract beginning at the Northeast corner of the South Half of the South Half of the Southwest Quarter (S ½ S ½ SW ¼) of Section Fifteen (15) Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M., in Jefferson County, Kansas; thence South 00°23 '11" East a distance of 300.00 feet, said point being on the East line of the Southwest Quarter (SW ¼) of Section 15; thence South 50°06'43" West a distance of 1353.10 feet; thence North 39°46'11" West a distance of 161.21 feet; thence North 28 11' 59" East a distance of 1190.78 feet, said point being on the North line of the South Half (S ½) of the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 15; thence South 89 15'55" East a distance of 576.56 feet to the Point of Beginning, said tract also being a part of the North Half (N ½) of the Northwest Quarter (NW ¼) of Section 22, Township 11 South, Range 19 East of the 6th P.M., Jefferson County, Kansas; also known as Tract 5 of Certificate of Survey re-plat in Jefferson County, Kansas, by Fred G. Roger., LS-64, on March 24, 1978, filed March 27, 1978, and recorded in Plat Book 2, Page 588, a replat of Plat Book 2, Page 575.

Tract 5: The South 120 acres of the Southeast Quarter (SE ¼) of Section Fifteen (15), Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M., Jefferson County, Kansas, according to U.S. Government Survey thereof.

Tract 6: The South 60 acres of the Northeast Quarter (NE ¼), AND the North 40 acres of the Southeast Quarter (SE ¼), all in Section Fifteen (15), Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M., Jefferson County, Kansas; EXCEPT all that part of the North 40 acres of the Southeast Quarter (SE ¼) of said Section Fifteen (15), lying West of the public highway, and EXCEPT all that part of the South 60 acres of the Northeast Quarter (NE ¼) of said Section Fifteen (15), lying West of the public highway.

Tract 7: The South Half (S ½) of the Southwest Quarter of Section Fourteen (14):

AND a tract beginning at the Southwest corner of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section Fourteen (14); thence running North 12 rods; thence running East 57 rods; thence running South 12 rods; thence running West 57 rods to the Point of Beginning, all in Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M., Jefferson County, Kansas.

Tract 8: Beginning at the Southeast corner of the North Half of the Northwest Quarter (N ½ NW ¼) of Section Twenty-two (22), Township Eleven (11) South, Range Nineteen (19) East of the 6th P.M., Jefferson County, Kansas; thence North 89 degrees 35 minutes 05 seconds West a distance of 685.11 feet, said point being on the South line of the North Half of the Northwest Quarter of Section 22; thence North 00 degrees 24 minutes 55 seconds East a distance of 361.05 feet; thence North 32 degrees 19 minutes 25 seconds West a distance of 227.14 feet; thence North 49 degrees 07 minutes 07 seconds West a distance of 176.82 feet; thence North 76 degrees 48 minutes 44 seconds East a distance of 959.44 feet, said point being on the East line of the Northwest Quarter of Section 22; thence South 00 degrees 13 minutes 24 seconds West a distance of 892.59 feet to the point of beginning; also known as Tract 7 of Certificate of Survey re-Plat In Jefferson County, Kansas, prepared by Fred G. Rogers, LS-64, on March 24, 1978, filed March 27, 1978 and recorded in Plat Book 2, Page 588.

Tract 9: The Northwest Quarter (NW 1/4) of Section 15; and the North 100 acres of the Northeast Quarter (NE1/4) of Section 15, all in Township 11 South, Range 19 East in Jefferson County, Kansas; and All that part of the North 40 acres of the Southeast Quarter (SE 1/4) of Section 15, Township 11 South, Range 19 East, lying West of the public highway, in Jefferson County, Kansas; and All that part of the South 60 acres of the Northeast Quarter (NE 1/4) of Section 15, Township 11 South, Range 19 East, lying West of the public highway, in Jefferson County, Kansas.

(b) Prior to payment for the purchase authorized by this section, the secretary of wildlife, parks and tourism shall determine that the requirements prescribed by K.S.A. 2012 Supp. 32-833, and amendments thereto, have been met.

(c) The provisions of K.S.A. 75-3043a and 75-3739, and amendments thereto, shall not apply to the acquisition authorized by this section or any contracts required therefor.

(d) In the event that the secretary of wildlife, parks and tourism determines that the legal description of the parcel described by this section is incorrect, the secretary of wildlife, parks and tourism may purchase the property utilizing the correct legal description.

Sec. 259.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2014, expenditures may be made by the above agency from the other state fees fund for fiscal year 2014 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 2014.

Sec. 260.

KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

(a) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2015, expenditures may be made by the above agency from the other state fees fund for fiscal year 2015 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 2015.

Sec. 261. On July 1, 2013, K.S.A. 2012 Supp. 76-3,107 is hereby amended to read as follows: 76-3,107. (a) 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.

(b) During the fiscal years ending June 30, 2014, and June 30, 2015, in addition to the provisions of subsection (a), 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 \$15,000,000, 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.

(c) The university of Kansas shall provide for the annual maintenance and operation costs for such school expansion.

Sec. 262. K.S.A. 2012 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that:

(1) For the fiscal year ending June 30, 2013, notwithstanding the other provisions of this section, on March 1, 2013, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of ~~\$350,000~~ \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2013 from state fair activities and non-fair days activities through March 1, 2013, except that, subject to approval by the director of the budget prior to March 1, 2013, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2013, the state fair board may certify an amount on March 1, 2013, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2013, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2013. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification;

(2) for the fiscal year ending June 30, 2014, notwithstanding the other provisions of this section, on March 1, 2014, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2014 from state fair activities and non-fair days activities through March 1, 2014, except that, subject to approval by the director of the budget prior to March 1, 2014, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2014, the state fair board may certify an amount on March 1, 2014, to the director of accounts and reports to be transferred

from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2014, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2014. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification; and

(3) for the fiscal year ending June 30, 2015, notwithstanding the other provisions of this section, on March 1, 2015, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$250,000 or the amount equal to 5% of the total gross receipts during fiscal year 2015 from state fair activities and non-fair days activities through March 1, 2015, except that, subject to approval by the director of the budget prior to March 1, 2015, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2015, the state fair board may certify an amount on March 1, 2015, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2015, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2015. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that: (1) No transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year, except for the fiscal year ending June 30, 2014, the transfer shall not exceed \$250,000; and (2) no moneys shall be transferred pursuant to this section from the state general fund to the state fair capital improvements fund during the fiscal year ending June 30, 2013, and the fiscal year ending June 30, 2015.

Sec. 263. On July 1, 2013, K.S.A. 2012 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. 2012 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) (1) On July 1, ~~2012~~ 2013, on July 1, 2014, and on July 1, ~~2013~~ 2015, the director of accounts and reports shall transfer \$2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 2012

Supp. 74-8959, and amendments thereto. ~~Notwithstanding the provisions of K.S.A. 2012 Supp. 74-8959, and amendments thereto, to the contrary, of the \$2,000,000 transferred to the state housing trust fund for the fiscal year ending June 30, 2013, pursuant to this subsection, \$600,000 shall be expended to pay the bond indebtedness for the water and sewer infrastructure of the city of Harveyville, Kansas. The president of the Kansas housing resources corporation shall implement and administer the provisions of this paragraph to make such payment for such purposes.~~

(2) On July 1, ~~2014~~ 2016, and on July 1, ~~2015~~ 2017, the director of accounts and reports shall transfer \$2,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2012 Supp. 74-8959, and amendments thereto.

(3) ~~On July 1, 2012, the director of accounts and reports shall transfer \$600,000 from the state general fund to the state housing trust fund established by K.S.A. 2012 Supp. 74-8959, and amendments thereto.~~

(4) Notwithstanding the provisions of K.S.A. 2012 Supp. 74-8959, and amendments thereto, to the contrary, during fiscal year 2013, ~~except as provided in subsection (b)(1), and~~ fiscal year 2014, and fiscal year 2015, moneys in the state housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before January 14, 2013, ~~and~~ January 13, 2014, and January 12, 2015, the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 264. On July 1, 2013, K.S.A. 2012 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 2012, state fiscal year 2013 or, state fiscal year 2014, or state fiscal year 2015; and~~ (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 2012 shall not exceed \$400,000; and~~ (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 2013, state fiscal year 2014, and state fiscal year 2015, shall not exceed \$600,000 ~~\$400,000~~ and such transfer from the state water plan fund to the abandoned oil and gas well fund shall be made on the 15th day of each calendar quarter during state fiscal year 2013, state fiscal year 2014, and state fiscal year 2015, in substantially equal amounts as determined by the director of accounts and reports.

Sec. 265. On July 1, 2013, K.S.A. 2012 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. 2012 Supp. 72-8814b, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district, except that the state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(5) determine the amount levied by each school district pursuant to K.S.A. 72-8801 et seq., and amendments thereto;

(6) multiply the amount computed under (5), but not to exceed 8 mills, by the applicable state aid percentage factor. The product is the amount of payment the school district is entitled to receive from the school district capital outlay state aid fund in the school year.

(c) The state board shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital outlay state aid fund for distribution to school districts, except that no transfers shall be made from the state general fund to the school district capital outlay state aid fund during the fiscal years ending June 30, 2013, ~~or June 30, 2014, June 30, 2015, or June 30, 2016.~~ All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

(d) Payments from the school district capital outlay state aid fund shall be distributed to school districts at times determined by the state board of education. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the capital outlay fund of the school district to be used for

the purposes of such fund.

(e) Amounts transferred to the capital outlay fund of a school district as authorized by K.S.A. 72-6433, and amendments thereto, shall not be included in the computation when determining the amount of state aid to which a district is entitled to receive under this section.

Sec. 266. K.S.A. 2012 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (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, and on the first day of each month thereafter during fiscal year 2013 ~~and~~ fiscal year 2014, and fiscal year 2015, the secretary of revenue shall apply a rate of 2% to that portion of 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 on a monthly basis as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment fund; and (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to K.S.A. 2012 Supp. 74-50,224, and amendments thereto. During fiscal year 2013, the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$10,000,000 for such fiscal year. During fiscal years 2014 and 2015 the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$7,500,000 for such fiscal year.

(c) Commencing July 1, ~~2014~~ 2015, and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in K.S.A. 2012 Supp. 79-32,143a, and amendments thereto. Whereupon such amount of

savings in accordance with appropriation acts 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 to the credit of the job creation program fund created pursuant to K.S.A. 2012 Supp. 74-50,224, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 267. On July 1, 2013, K.S.A. 2012 Supp. 74-8963 is hereby amended to read as follows: 74-8963. (a) For the purpose of financing a capital improvement project relating to a national bio and agro defense facility, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in an amount necessary to provide a deposit or deposits to the bioscience development fund, which is hereby created in the state treasury and shall be administered by the department of administration in accordance with the provisions of this section and K.S.A. 2012 Supp. 74-8964 through 74-8967, and amendments thereto, in a total amount not to exceed \$105,000,000, 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, cost of bond insurance or other credit enhancement for the bonds and any required reserves for the payment of principal and interest on the bonds, for a capital improvement project relating to a national bio and agro defense facility, including, but not limited to, land acquisition, site preparation, fencing, central utility plant facility construction and improvements, including electric, water and sewer utility infrastructure construction and equipment, lift stations, street grading, paving, graveling, macadamizing, curbing, guttering and surfacing, street light fixture connections and facilities, underground gas, water, heating and electrical services and connections, sidewalks and parking facilities, drives and driveway approaches, landscaping and plantings and related facilities and amenities to develop and finance the project. The provisions of this subsection shall not apply on and after July 1, 2013, through June 30, 2015.

(b) On and after the effective date of this act, prior to the issuance of any bonds pursuant to this section, the capital improvement project described in subsection (a) shall be 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 shall be approved by the Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., and amendments thereto, and, for all bonds issued on or after the effective date of this act, shall be 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, except that such approval also may be given when the legislature is in session. The provisions of this subsection shall not apply on and after July 1, 2013, through June 30, 2015.

(c) On and after July 1, 2013 through June 30, 2015, for the purpose of financing a capital improvement project relating to a national bio and agro defense facility, the Kansas development finance authority is hereby authorized to issue one or more series of revenue bonds pursuant to the Kansas development finance authority act, K.S.A. 74-8901 et seq., and amendments thereto, in an amount necessary to provide a deposit or

deposits to the bioscience development fund, in a total amount not to exceed \$307,000,000, 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, cost of bond insurance or other credit enhancement for the bonds and any required reserves for the payment of principal and interest on the bonds, for a capital improvement project relating to a national bio and agro defense facility, including, but not limited to, land acquisition, site preparation, fencing, facility construction and improvements, central utility plant facility construction and improvements, including electric, water and sewer utility infrastructure construction and equipment, lift stations, street grading, paving, graveling, macadamizing, curbing, guttering and surfacing, street light fixture connections and facilities, underground gas, water, heating and electrical services and connections, sidewalks and parking facilities, drives and driveway approaches, landscaping and plantings and related facilities and amenities to develop and finance the project.

(d) On and after July 1, 2013 through June 30, 2015, prior to the issuance of any bonds pursuant to subsection (c):

(1) The capital improvement project described in subsection (c) shall be approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto; and

(2) the authorization of the issuance of bonds by the Kansas development finance authority shall be approved by the:

(A) Kansas development finance authority in accordance with K.S.A. 74-8901 et seq., and amendments thereto; and

(B) 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 when the legislature is in session. Prior to the approval of the issuance of such bonds, except for any bonds that the state finance council has already approved prior to July 1, 2013, the state finance council shall have reviewed the signed contract from the United States department of homeland security for the construction of such capital improvement project and confirmed that such contract contains provisions that any additional costs or any change orders of such capital improvement project shall be paid by the United States department of homeland security and that construction will proceed in accordance with the provisions of such contract.

(e) The department of administration may only make expenditures from the moneys received from the issuance of any bonds pursuant to this section for those purposes set forth in subsection (a) for the capital improvement project.

(f) The debt service for any such bonds issued pursuant to this section shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(g) The date of maturity on bonds issued pursuant to this section shall not be fixed for a period of time which exceeds 20 years from the date of issuance.

(h) The proceeds from the sale of any bonds, other than refunding bonds, issued pursuant to this section, after payment of any costs related to the issuance of such bonds, shall be paid by the Kansas development finance authority to the department of administration to be applied to the payment of the costs of the capital improvement project authorized pursuant to this section as requested by the secretary of

administration and by resolution of the Kansas development finance authority.

Sec. 268. K.S.A. 2012 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. 2012 Supp. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (d)(2), (d)(3), (h) or (i), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(2) (A) For fiscal year 2013, fiscal year 2014 and fiscal year 2015, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the state general fund to the following: the center of innovation for biomaterials in orthopaedic research – Wichita state university fund.

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(3) (A) For fiscal year 2013, fiscal year 2014 and fiscal year 2015, the next \$5,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees

above the first \$1,000,000 certified pursuant to subsection (d)(2)(A), shall be transferred by the director of accounts and reports from the state general fund to the following: The national bio agro-defense facility fund at Kansas state university.

(B) There is hereby established in the state treasury the national bio agro-defense facility fund which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During the fiscal years ending ~~June 30, 2013, and June 30, 2014,~~ June 30, 2015, and June 30, 2016, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$35,000,000 for each such fiscal year.

(i) During the fiscal year ending June 30, ~~2012~~ 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 ~~\$42,322,186~~ \$12,287,267 for such fiscal year.

(j) During the fiscal year ending June 30, 2014, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$10,000,000 for such fiscal year.

Sec. 269. On July 1, 2013, K.S.A. 2012 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. 2012 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, 2013, ~~and June 30, 2014,~~ June 30, 2015, and June 30, 2016, 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. 270. On July 1, 2013, K.S.A. 2012 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, ~~2012~~ 2014, and the fiscal year ending June 30, 2015, 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 ~~2011~~ 2013 or 2014 regular session of the legislature.

Sec. 271. On July 1, 2013, K.S.A. 2012 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. 2012 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, 2013, ~~and June 30, 2014,~~ June 30, 2015, and June 30, 2016, 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. 272. On July 1, 2013, K.S.A. 2012 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, 2013, ~~and June 30, 2014,~~ June 30, 2015, and June 30, 2016, 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. 273. On July 1, 2013, K.S.A. 2012 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. 2012 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. 2012 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016, 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. 2012 Supp. 76-7,104, and amendments thereto, during the fiscal year ending June 30, 2014, 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. 274. On July 1, 2013, K.S.A. 2012 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 amendments~~ thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2009, 2010, 2011, 2012, and 2013, 2014, and 2015,~~ and (2) the amount of the transfer on each such date shall be ~~\$13,500,000 during fiscal year 2014, \$20,250,000 during fiscal year 2015, and \$27,000,000 during fiscal year 2016~~ and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year ~~2014~~ 2016 shall be considered to be revenue transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201, and amendments thereto, on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 275. On July 1, 2013, K.S.A. 2012 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 amendments 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 ~~2013 and 2014, 2015 and 2016.~~ 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. 276. On July 1, 2013, K.S.A. 2012 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 annual commercial vehicle fees collected pursuant to K.S.A. 2012 Supp. 8-143m, 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; (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during state fiscal year ~~2013 or~~ state fiscal year 2014, state fiscal year 2015, or state fiscal year 2016; (3) all transfers under this section shall be considered to be demand transfers from the state general fund; and (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)(4)(A); and (C) acceptance of the payments made pursuant to this subsection (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. 277. On July 1, 2013, K.S.A. 2012 Supp. 79-34,156 is hereby amended to read as follows: 79-34,156. On July 1, ~~2007~~ 2015, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state ~~economic development initiatives~~ highway fund to the Kansas qualified biodiesel fuel producer incentive fund; ~~except: (a) That, during the fiscal year ending June 30, 2013, on July 1, 2012, October 1, 2012, and January 1, 2013, and April 1, 2013, 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, 2013, 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, 2013. If sufficient moneys are not available in the state economic development initiatives highway fund for such transfer on July 1, ~~2013~~ 2015, 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~~ highway fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund; ~~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, 2012, or the fiscal year ending June 30, 2013.~~~~

Sec. 278. On July 1, 2013, K.S.A. 2012 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 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, 2013, ~~or June 30, 2014, June 30, 2015, or June 30, 2016.~~ 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. 2012 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. 2012 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 279. K.S.A. 2012 Supp. 79-4227 is hereby amended to read as follows: 79-4227. (a) All revenue collected or received by the director from the tax imposed by this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. The state treasurer shall first credit such amount as the director shall order to the mineral production tax refund fund created under subsection (b) of this section. Except as otherwise provided by this section, the state treasurer shall credit the remainder of such amounts as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c) of this section; and (2) the remainder shall be credited to the state general fund. On and after July 1, 2012, and thereafter, except as otherwise provided by this section, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c); (2) 12.41% to the oil and gas valuation depletion trust fund; and (3) the remainder shall be credited to the state general fund. ~~During fiscal year 2013, the state treasurer shall credit the remainder of such amounts as follows: (1) As otherwise provided in this section; and (2) on the 15th day of each month, the state treasurer shall determine the amount of revenue collected or received by the director from the tax imposed by this act during the preceding month which exceeds the consensus revenue estimate for such preceding month. If such amount of revenue collected or received for such preceding month is greater than the estimated amount of revenue for such preceding month, then the state treasurer shall credit 14.63% of the difference between the actual amount collected or received and the estimated amount of revenue to the incentive for technical education fund, and 85.37% of the difference between the actual amount collected or received and the estimated amount of revenue to the tuition for technical education fund. During fiscal year 2013, the amount credited to the incentive for technical education fund shall not exceed \$1,500,000, and the amount credited to the tuition for technical education fund shall not exceed \$8,750,000. The incentive for technical education fund and the tuition for technical education fund are hereby created in the state treasury. Any revenue collected or received from the tax imposed by this act during fiscal year 2013 shall be credited as provided in this section as in existence on the effective date of this act. On and after July 1, 2013, through June 30, 2014, the state treasurer shall credit the remainder of such amounts for oil and gas for any county which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c); (2) 6% to the oil and gas valuation depletion trust fund; and (3) the remainder shall be credited to the state general fund. On and after July 1, 2014, through June 30, 2015, the state treasurer shall credit the remainder of such amounts for oil and gas for any county~~

which had \$100,000 or more in receipts of the excise tax upon the severance and production of oil and gas as follows: (1) Seven percent to the special county mineral production tax fund created under subsection (c); (2) 8% to the oil and gas valuation depletion trust fund; and (3) the remainder shall be credited to the state general fund.

(b) A refund fund designated as "mineral production tax refund fund" not to exceed \$50,000 is hereby created for the prompt payment of all tax refunds. The mineral production tax refund fund shall be in such amount, within the limit set by this section, as the director shall determine is necessary to meet current refunding requirements under this act.

(c) There is hereby created a special county mineral production tax fund. On December 1, 1983, and quarterly thereafter, the director of taxation shall distribute all moneys credited to such fund to the county treasurers of all counties in which taxes were levied under K.S.A. 79-4217, and amendments thereto, for the severing and producing of coal, oil or gas from property within the county, in the proportion that the taxes levied upon production in each county bears to the total of all of such taxes levied in all of such counties. Such distribution shall be based on returns filed, with any adjustments or corrections thereto made by the director of taxation.

(d) The secretary of revenue shall make provision for the determination of the counties within which taxes are levied under K.S.A. 79-4217, and amendments thereto, for the severance of coal, oil or gas and shall certify the same to the director of accounts and reports.

(e) The director of accounts and reports shall draw warrants on the state treasurer payable to the county treasurer of each county entitled to payment from the special county mineral production tax fund upon vouchers approved by the director of taxation. Upon receipt of such warrant, each county treasurer shall credit 50% of the amount thereof to the county general fund and shall distribute the remaining 50% thereof to the treasurer of each school district all or any portion of which is located within the county in the proportion that the assessed value of coal, oil and gas properties within each district bears to the total of the assessed value of all coal, oil and gas properties within the county. Such assessed valuation shall be determined upon the basis of the most recent November 1 tax roll. The treasurer of each school district shall credit the entire amount of the moneys so received to the general fund of the school district.

Sec. 280. On July 1, 2013, K.S.A. 2012 Supp. 79-4804 is hereby amended to read as follows: (a) After the transfer of moneys pursuant to K.S.A. 2012 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than $\frac{1}{2}$ of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state

economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, except that ~~the aggregate amount of the transfers~~ no moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year ~~2004~~ 2014 or state fiscal year 2015. No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 281. On July 1, 2013, K.S.A. 2012 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 no moneys shall be transferred from the state general fund to the state water plan fund during the fiscal-year years ending June 30, 2013, June 30, 2014, and June 30, 2015.

Sec. 282. K.S.A. 2012 Supp. 2-223, 74-50,107, 74-99b34 and 79-4227 are hereby repealed.

Sec. 283. On July 1, 2013, K.S.A. 2012 Supp. 12-5256, 55-193, 72-8814, 74-8963, 75-2319, 75-6702, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4804 and 82a-953a are hereby repealed.

Sec. 284. *Severability.* If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 285. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 286. *Savings.* (a) Any unencumbered balance as of June 30, 2013, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited for fiscal year 2014 by this or any other appropriation act of the 2013 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2014, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2014, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited for fiscal year 2014 by this act or any other appropriation act of the 2013 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2015, for the same use and purpose as the same was heretofore appropriated.

(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. 287. (a) During the fiscal year ending June 30, 2014, 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 2013 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2014, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund.

(b) During the fiscal year ending June 30, 2015, all moneys which are lawfully

credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2013 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2015, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund.

(c) 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. 288. *Federal grants.* (a) During the fiscal year ending June 30, 2014, 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 for fiscal year 2014 by this or other appropriation act of the 2013 regular session of the legislature, is hereby appropriated for fiscal year 2014, 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, 2015, 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 for fiscal year 2015 by this or other appropriation act of the 2013 regular session of the legislature, is hereby appropriated for fiscal year 2015 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2015, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2015.

(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 2014 and fiscal year 2015 or by this act or any other appropriation act of the 2013 regular session of the legislature to apply for and receive federal grants during fiscal year 2014 and fiscal year 2015, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 289. (a) (1) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2013 regular session of the legislature, and having an unencumbered balance as of June 30, 2013, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2014, for the same uses and purposes as originally appropriated unless specific

provision is made for lapsing such appropriation.

(2) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2012.

(b) (1) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2013 regular session of the legislature, and having an unencumbered balance as of June 30, 2014, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2015, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(2) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2013.

Sec. 290. (a) (1) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2013 regular session of the legislature and having an unencumbered balance as of June 30, 2013, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2014, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2012.

(b) (1) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2013 regular session of the legislature and having an unencumbered balance as of June 30, 2014, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2015, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2013.

Sec. 291. (a) (1) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2013 regular session of the legislature and having an unencumbered balance as of June 30, 2013, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2014, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2012.

(b) (1) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2013 regular session of the legislature and having an unencumbered balance as of June 30, 2014, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2015, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(2) This subsection shall not apply to the unencumbered balance in any account of

the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2013.

Sec. 292. (a) Any transfers of money during the fiscal year ending June 30, 2014, 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, 2014.

(b) Any transfers of money during the fiscal year ending June 30, 2015, 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, 2015.

Sec. 293. This act shall take effect and be in force from and after its publication in the Kansas register.";

On page 1, in the title, in line 1, by striking all after "ACT": by striking all in lines 2 and 3 and inserting "making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-8963, 74-99b34, 75-2319, 75-6702, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections.";

And your committee on conference recommends the adoption of this report.

MARC RHOADES

GENE SUELLENTROP

JERRY HENRY

Conferees on part of House

TY MASTERSON

JIM DENNING

LAURA KELLY

Conferees on part of Senate

Senator Masterson moved the Senate adopt the Conference Committee Report on **SB 171**.

Citing Rule 28, upon the showing of five hands, a Call of the Senate was requested.

On roll call, the vote was: Yeas 21; Nays 15; Present and Passing 0; Absent or Not Voting 4.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Fitzgerald, Kerschen, Knox, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Tyson, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, LaTurner, Longbine, McGinn, Pettey, Pyle, V. Schmidt, Smith, Wolf.

Absent or Not Voting: Donovan, Emler, Holmes, King.

The Conference Committee Report was adopted.

The Call of the Senate was lifted.

EXPLANATION OF VOTE

Mr. Vice President: I vote no on **SB 171**. This budget imposes a \$66 million cut over the next two years on the Kansas Board of Regents and post-secondary education institutions. This \$66 million cut comes at a time after Governor Brownback toured our state telling Kansans the funding for Kansas universities was a core responsibility of the state that must be protected. In fact, during the tour he touted his budget as holding higher education harmless. If the Governor signs this bill into law, he will have reneged on his commitment to higher education and his tour will have been nothing more than a political charade.—ANTHONY HENSLEY

Senator Kelly requests the record to show that she concurs with the "Explanation of Vote" offered by Senator Hensley on **SB 171**.

Mr. Vice President: I vote NO on **SB 171**. There have been many questions asked about the adequacy of this budget to fund a variety of state responsibilities including corrections, education, health, transportation and services for those with disabilities. The response: we have the opportunity to revisit decisions on funding when the legislature comes back into session in January, the mid-point of the fiscal year. Yet, for several years now, the legislature has passed a single bill that includes the changes for the current year along with the future budget; those bills have passed on the last day of the session. We find ourselves here in June, adopting a supplemental budget that, if signed, will be in effect for just days of FY 2013. We have shown that we need to budget for a full year of expenditures; I do not believe that this budget gives us that assurance for FY 2014.—MARCI FRANCISCO

MESSAGE FROM THE HOUSE

Announcing adoption of the Conference Committee report on **HB 2059**.

The House adopts the Conference Committee report on **HB 2216**.

Announcing rejection of the conference committee report on **HB 2049**.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1614—

By Senators Wagle, Bruce and Hensley

A CONCURRENT RESOLUTION relating to the 2013 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 June 1, 2013, until the hour of 10:00 a.m. on June 20, 2013, at which time the legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on June 20, 2013; 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 emergency motion of Senator Bruce **SCR 1614** was adopted by voice vote.

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits a veto message from the Governor on **HB 2120**:

AN ACT concerning crimes, criminal procedure and punishment; relating to DNA evidence; relating to statute of limitations; relating to possession of a firearm during a drug felony; amending K.S.A. 2012 Supp. 21-2511, 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 21-6403 and 21-6805, and repealing the existing sections, which was received on may 23, 2013 and was read before the House on May 24, 2013.

“Many concerns have been expressed regarding the constitutionality of House Bill 2120. Upon careful review, I agree the language in this legislation violated Article 15, Section 3 of the Kansas Constitution. However, I support the Legislature's policy goal of permitting certain limited raffles for charitable purposes. As such, I encourage the Legislature to consider a constitutional amendment to accomplish this goal.

Pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto House Bill 2120.”

There being no motion to reconsider **HB 2120**, the Speaker ruled the veto sustained. Announcing adoption of **SCR 1614**.

On motion of Senator Bruce, and in compliance with **SCR 1614**, the Senate adjourned until Sine Die at 10:00 a.m., Thursday, June 20, 2013.

Journal of the Senate

SEVENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, June 20, 2013, 10:00 a.m.

The Senate was called to order by President Susan Wagle.
The roll was called with thirty-six senators present.
Senators Apple, Emler, LaTurner and Powell were excused.
Invocation by Father Don Davidson:

Almighty God, our heavenly creator, we have reached an end of this session. The time has come to rest, reflect and recuperate after many long meetings, joys and sorrows. In all things you have been present in this chamber of dedicated people, now we ask you to bless our legislators as they journey home. Bless their families and those who work with them. Give us grace to remain healthy and bring us in safety to new days ahead. In your good and gracious name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Francisco introduced the following Senate resolution, which was read:
SENATE RESOLUTION No. 1771—

A RESOLUTION congratulating the 2013 University of Kansas women's track and field team on being named NCAA Team Champions.

WHEREAS, The University of Kansas women's track and field team won the 2013 NCAA Team Championship at the historic Hayward Field in Eugene, Oregon; and

WHEREAS, This is the seventh NCAA Championship for the University of Kansas track and field team and the first in program history for the women's team; and

WHEREAS, The Jayhawks also saw the program's first ever individual outdoor champion when team member Lindsay Vollmer won first place in the heptathlon; and

WHEREAS, The University of Kansas women finished the meet with 60 points, which was 16 points ahead of the second-place finisher, Texas A&M; and

WHEREAS, Members of the 2013 University of Kansas women's track and field team include Natali Bartnovskaya, Heather Bergmann, Sydney Conley, Paris Daniels, Diamond Dixon, Andrea Geubelle, Christen Guenther, Rhavean King, Alena Krechyk, Jessica Maroszek, Denesha Morris, Francine Simpson, Lindsay Vollmer and Taylor Washington; and

WHEREAS, The team coaches include Head Coach Stanley Redwine, Elisha Brewer, Ryan Hays, Tom Hays, Andy Kokhanovsky, Wayne Pate, Rose Richmond and Michael

Whittlesey; and

WHEREAS, Eleven of the 13 entries in the meet contributed to the team's scoring effort, including performances in long jump, triple jump, the 4X100 meter relay, the 200 meter, 4X400 meter relay, heptathlon, javelin, hammer throw, discus and pole vault: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate the 2013 University of Kansas women's track and field team on winning the NCAA Team Championship. This amazing accomplishment is celebrated not only by the University of Kansas community but by the entire State of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide 24 copies of this resolution to Senator Francisco.

On emergency motion of Senator Francisco **SR 1771** was adopted unanimously.

Guests introduced were Chris Howard and Mike Whittlesey.

The Senators honored them with a standing ovation.

MESSAGE FROM THE GOVERNOR

Message to the Senate of the State of Kansas:

June 11, 2013

Enclosed herewith is Executive Directive No. 13-440 for your information.

Enclosed herewith is Executive Directive No. 13-441 for your information.

SAM BROWNBACK
Governor

MESSAGES FROM THE GOVERNOR

SB 246 approved on June 7, 2013.

June 15, 2013

Message to the Legislature of the State of Kansas

I want to thank every member of the Kansas Legislature for your hard work, during the 2013 session. This two-year budget will provide state agencies and school districts a greater level of funding certainty, allowing them to extend their planning horizons and strengthen their focus on improving services. Having a strong ending balance for three straight years will help us weather the uncertainty of a federal government that continues to have major budget problems. Your commitment to fiscal responsibility will ensure every taxpayer dollar will be used in an effective and efficient manner.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill No. 171 with my signature approving the bill, except for the items enumerated below.

Department of Administration

Refund of Past FICA Payments for Medical Residents

Section 29(f) is vetoed in its entirety.

In my original budget I had recommended that from the state's share of FICA refunds originally made on behalf of medical residents, \$25.0 million be swept to the State

General Fund and that \$10.0 million of that be devoted to construction of a new medical education building for the Medical Center. The timing of the refunds has been much slower than ever anticipated and the state has not yet received its full share of the refunds from the Internal Revenue Service (IRS). We are going to pay the medical residents their share received to date, but I veto this sweep of the state's share so it does not occur prior to full settlement with the IRS.

Department of Corrections

Transfer of State Resources

Section 44(c), 44(d), 44(e), 44(f), 45(b) and 173(h) are vetoed in their entirety.

I have grave concerns about the impact of this budget on public safety. Eliminating the \$1.9 million in current year budget lapses and the sweep of \$750,000 from the Kansas Correctional Industries will allow the Department of Corrections to use these resources to soften the impact of their reduced funding and protect critical components of our corrections system.

Office of the Attorney General

Fee Sweeps to the State General Fund

Section 87(h), Section 87(i), Section 88(g), Section 88(h) and Section 88(i) have been line-item vetoed in their entirety.

The Court Cost Fund and the Medicaid Prosecution Revolving Fund receive money from various litigation settlements handled by the Attorney General in which the defendant is ordered to reimburse the state's litigation costs. Sometimes, the balance in these litigation recovery funds exceeds the actual cost of operating the state's litigation and, at those times, it is proper to remove the "excess" and place it in the State General Fund for other uses. The critical issue is not whether that is done but how and when. This approach provides stability and planning ability so the agency can operate the recovery litigation professionally and in a cost-efficient manner without worrying whether sufficient funds are available in the short-term to make payroll. Most importantly, it also ensures the state's recovery litigation is focused exclusively on obtaining just litigation outcomes and not on the need to generate immediate funds to pay the current bills. In addition, sweeping the money paid by Kansans who seek to permit to carry a concealed firearm pursuant to the Kansas Personal and Family Protection Act into the State General Fund transforms these dedicated permit fees into a general "gun tax" on Kansans who are exercising their Second Amendment Rights. For these reasons, I veto the sweeps that exceed my recommendations applied to the Attorney General's Office.

Department of Administration

Sweep of the Curtis State Office Building Maintenance Reserve Fund

Section 111(t) has been vetoed in its entirety.

A lease agreement with the Public Building Commission and the State of Kansas was executed upon construction and occupancy of the Curtis State Office Building. Within that contract and the bond documents issued on the construction of the building was a provision that the building's reserve fund would accrue a balance up to \$2.5 million. It is bond counsel's opinion that transferring cash from this fund would be a reportable material default to the Securities Exchange Commission and would hinder the state's

ability to issue future bonds related to NBAF, the KBI lab at Washburn and the Department of Agriculture's move to the Kansas State University campus. I therefore find it necessary to veto this provision.

Elimination of Vacant Positions

Section 111(w) and Section 112(s) have been vetoed in their entirety.

In FY 2010, agencies' headcounts totaled 23,957.98, excluding the Regents. In FY 2012, we drove that number down to 22,208.57. My administration remains committed to reducing the size of state government and we will continue those efforts in the next year. We went through a lengthy exercise last year to eliminate old vacant positions. Moreover, the language in these sections will drive agencies to spend more on overtime as they will be kept from filling positions open for only 120 days. In some locations, such as at Larned State Hospital and Topeka Correctional Facility, we face challenges in recruiting and retaining staff at critical agencies and this language does not grant them any flexibility. For these reasons, I veto these provisions and will continue to work with agencies to restructure them in a targeted and strategic manner.

Department of Commerce

Sweep of the Reimbursement and Recovery Fund

Section 123(l) and Section 124(j) are vetoed in their entirety.

The Reimbursement and Recovery Fund of the Department of Commerce is primarily used to finance the operations of America's Job Link Alliance (AJLA). AJLA is a consortium of state workforce agencies and program operators that collaborate to reduce costs in the development of workforce development software needs for member states. Sweeping the pooled resources from the Reimbursement and Recovery Fund in FY 2014 and FY 2015 would violate our obligation to those states and necessitate reimbursement to them, so I must veto both of these transfers.

University of Kansas Medical Center

Enrollment Management

Section 167(e) and 168(e) are vetoed in their entirety.

The University of Kansas School of Medicine campus in Salina was created to address the critical shortage of physicians, particularly in rural Kansas. This innovative medical education program is aimed at students with a strong desire to practice in rural areas. I understand the Legislature's concern that this program as well as the Wichita campus not be disproportionately impacted by budget cuts. According to the University of Kansas Medical Center (KUMC), the language in this provision will require undesirable reductions to its Wichita campus, while a veto will keep current student levels the same. KUMC has committed to me how they will manage their budget cuts if these provisions are removed. The Center will still impose a variety of operational changes to manage this funding loss:

Plan and impact if the Proviso is vetoed:

Student reductions (in Kansas City only):

- 20 Nursing students
- 5 Health Professions students
- 4 Residency (GME) positions
- 2 MD/PhD student positions

I therefore veto these constraints on the Medical Center’s management of its programs.

Department of Corrections

Budget for Corrections

Section 174 is vetoed in its entirety.

The Department of Corrections plays a key role in maintaining our state’s public safety. Because I consider it inadequate, I veto the FY 2015 budget and look forward to working with the 2014 Legislature in finding the Department sufficient resources to ensure public safety is not imperiled.

Kansas Water Office

Weather Modification

That portion of Section 193(c) that reads as follows has been line-item vetoed.

“Weather modification program.....100,000

Provided, That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014.”

Support for this program has declined at the local level and the ongoing drought in western Kansas has exacerbated the continued declines of the Ogallala Aquifer. In 2012, I signed into law policies that will provide greater opportunities to conserve and extend the life of the Aquifer, such as Local Enhanced Management Areas (LEMA). As a result, I encourage the use of future State Water Plan Fund dollars in support of LEMAs and other related conservation efforts.

Salary Cap

Limitations on Agency Operations

Section 199 and 200 are vetoed in their entirety.

I applaud the Legislature’s efforts to reduce the size and cost of state government. However, when salary restrictions are applied, they must be done so in a consistent manner, except when some inconsistency is justified. The language in these sections impacts agencies inconsistently and punishes those agencies that were working most diligently to drive down costs. Additionally, this policy restricts the ability of state agencies to best manage the reduced resources provided by this budget. While I veto these provisions, this action does not spend additional State General Fund resources.

Moving Forward

Public safety is unquestionably a core function of state government. The services provided by the Kansas Department of Corrections are a critical component of protecting our citizens. I will do everything I can to minimize the impact of the reduced funding on public safety. However, I ask that you carefully and thoughtfully consider whether or not this reduction was appropriate when you return.

The people of Kansas expect excellence in higher education. Our Regents system fuels the engine of our economy by providing a highly skilled workforce and nurturing the next generation of Kansas teachers, doctors, business people and others. I encourage you to spend the next several months examining university budgets more closely and

working with their leadership teams and the Board of Regents to craft a shared vision for higher education in Kansas; a vision that you are confident both maintains our high standard of excellence and uses resources efficiently.

SAM BROWNBACK
Governor

VETO SUSTAINED

President Wagle announced the time had arrived for reconsideration of the veto on **SB 171**, An Act making and concerning appropriations for fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, June 30, 2016, June 30, 2017, and June 30, 2018, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2012 Supp. 2-223, 12-5256, 55-193, 72-8814, 74-50,107, 74-8963, 74-99b34, 75-2319, 75-6702, 76-3,107, 76-775, 76-783, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,156, 79-34,171, 79-4227, 79-4804 and 82a-953a and repealing the existing sections.

No motion having been offered to reconsider, President Wagle announced the Governor's veto on **SB 171** was declared sustained.

MESSAGE FROM THE HOUSE

Announcing the House herewith transmits a veto message from the Governor on **HB 2120**.

AN ACT concerning crimes, criminal procedure and punishment; relating to DNA evidence; relating to statute of limitations; relating to possession of a firearm during a drug felony; amending K.S.A. 2012 Supp. 21-2511, 21-5107, as amended by section 1 of 2013 House Bill No. 2252, 21-6403 and 21-6805 and repealing the existing sections., which was received on May 23, 2013 and was read before the House on May 24, 2013.

“Many concerns have been expressed regarding the constitutionality of **House Bill 2120**. Upon careful review, I agree the language in this legislation violates Article 15, Section 3 of the Kansas Constitution. However, I support the Legislature’s policy goal of permitting certain limited raffles for charitable purposes. As such, I encourage the Legislature to consider a constitutional amendment to accomplish this goal.

Pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **House Bill 2120**.”

There being no motion to reconsider **HB 2120**, the Speaker ruled the veto sustained. Announcing adoption of **SCR 1614**.

REPORT ON ENROLLED BILLS

SB 171 reported correctly enrolled, properly signed and presented to the Governor on June 6, 2013.

SR 1770 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 4, 2013.

SCR 1614 reported correctly enrolled, properly signed and presented to the Secretary of State on June 6, 2013.

SR 1758, SR 1771 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on June 20, 2013.

As provided by **SCR 1614**, Senator Bruce moved the Senate adjourn Sine Die. The motion prevailed.

President Wagle thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2013 Session of the Kansas Senate adjourned Sine Die."

HELEN MORELAND, ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

DIANE MINEAR, *Secretary of the Senate.*



SHORT TITLE AND HISTORY
OF
SENATE BILLS,
SENATE RESOLUTIONS,
AND
EXECUTIVE REORGANIZATION ORDERS

(SJ & HJ Nos. refer to 2013 Senate and House Journals)
(1493)

TITLE AND HISTORY OF SENATE BILLS

- S 1** Bill by Legislative Post Audit Committee
Legislative Post Audit; periodic audits of the State treasurer and the pooled money investment board.
 12/12/2012 Senate—Prefiled for Introduction on Monday, December 10, 2012
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Ways and Means—SJ 50
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 548-S
 02/13/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 151
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 172
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Appropriations—HJ 258
 03/15/2013 House—Hearing: Wednesday, March 20, 2013, 9:00 AM Room 112-N
 03/21/2013 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 467
 03/25/2013 House—Committee of the Whole - Be passed as amended—HJ 514
 03/26/2013 House—Final Action - Passed as amended; Yea: 118 Nay: 1—HJ 541
 03/26/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Kelly as conferees—SJ 425
 04/01/2013 House—Motion to accede adopted; Representative Rhoades, Representative Suellentrop and Representative Henry appointed as conferees—HJ 593
 04/03/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 544
 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848
- S 2** Bill by Legislative Post Audit Committee
Information technology audits.
 12/12/2012 Senate—Prefiled for Introduction on Monday, December 10, 2012
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Ways and Means—SJ 50
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 548-S
 02/13/2013 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 151
 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
 02/20/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 172
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Appropriations—HJ 258
 03/15/2013 House—Hearing: Wednesday, March 20, 2013, 9:00 AM Room 112-N
 03/21/2013 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 467
- S 3** Bill by Senator Faust-Goudeau

- Physician assistants; exempt license.**
 01/04/2013 Senate—Prefiled for Introduction on Friday, January 04, 2013
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 50
- S 4 Bill by Senator Faust-Goudeau
Amending the statute of limitations for prosecution of sexually violent offenses where the victim is under 18 years of age.
 01/08/2013 Senate—Prefiled for Introduction on Monday, January 07, 2013
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
- S 5 Bill by Senator Faust-Goudeau
Business entities; restricting the use of an acquired entity's name by an acquiring entity.
 01/08/2013 Senate—Prefiled for Introduction on Monday, January 07, 2013
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Commerce—SJ 50
 01/18/2013 Senate—Hearing: Thursday, January 24, 2013, 8:30 AM Room 548-S
- S 6 Bill by Senator Faust-Goudeau
Relating to restricted driving privileges in lieu of suspension.
 01/08/2013 Senate—Prefiled for Introduction on Monday, January 07, 2013
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 346-S
- S 7 Bill by Joint Committee on Administrative Rules and Regulations
Alcohol Control Act: tastings, civil fines.
 01/08/2013 Senate—Prefiled for Introduction on Tuesday, January 08, 2013
 01/14/2013 Senate—Introduced—SJ 11
 01/15/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 50
 01/18/2013 Senate—Hearing: Tuesday, January 22, 2013, 10:30 AM Room 144-S
 01/23/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 79
 01/30/2013 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 94
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 135
 02/08/2013 House—Hearing: Monday, February 11, 2013, 1:30 PM Room 346-S
 03/14/2013 House—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 346-S
 03/20/2013 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 455
- S 8 Bill by Senator King
Creating the Kansas commission on judicial appointments; specifying Senate confirmation procedure for judicial appointments.
 01/10/2013 Senate—Prefiled for Introduction on Wednesday, January 09, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
 01/18/2013 Senate—Hearing: Wednesday, January 16, 2013, 10:30 AM Room 346-S
 01/18/2013 Senate—Hearing: Thursday, January 17, 2013, 10:30 AM Room 346-S
 01/25/2013 Senate—Committee Report recommending bill be passed as amended

- by Committee on Judiciary—SJ 83
 01/30/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 96
 01/30/2013 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 11—SJ 98
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Judiciary—HJ 136
 02/13/2013 House—Hearing: Tuesday, February 19, 2013, 3:30 PM Room 112-N
 02/26/2013 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 282
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 587
- S 9** Bill by Senator Haley
Enacting the cannabis compassion and care act.
 01/11/2013 Senate—Prefiled for Introduction on Thursday, January 10, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 50
- S 10** Bill by Senator LaTurner
Length of regular legislative session in odd-numbered years.
 01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 50
 03/06/2013 Senate—Hearing: Wednesday, March 13, 2013, 10:30 AM Room 144-S
- S 11** Bill by Senator LaTurner
Legislators; lobbying restrictions; nepotism restrictions.
 01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 50
- S 12** Bill by Senators Hensley, Hawk, Holland, Kelly, Pettey
Governmental ethics; two year restriction on lobbying by former state officers or employees.
 01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 50
- S 13** Bill by Senators Hensley, Faust-Goudeau, Francisco, Hawk, Holland, Kelly, Pettey
County elections commissioners; appointment by county commission.
 01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 50
- S 14** Bill by Senators Hensley, Hawk, Kelly, Pettey
Prohibiting outside employment of certain state officials.
 01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 50
- S 15** Bill by Senators Hensley, Faust-Goudeau, Hawk, Holland, Kelly
Local ad valorem tax reduction fund; transfers to; distributions to political

subdivisions.

01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013

01/14/2013 Senate—Introduced—SJ 12

01/15/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 50

S 16

Bill by Judiciary

Kansas racketeer influenced and corrupt organization act, criminal street gangs.

01/15/2013 Senate—Introduced—SJ 49

01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54

01/24/2013 Senate—Hearing: Monday, January 28, 2013, 1:00 AM Room 346-S

01/31/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 104

02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 123

02/07/2013 Senate—Final Action - Passed as amended; Yea: 37 Nay: 0—SJ 129

02/08/2013 House—Received and Introduced—HJ 169

02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 179

03/06/2013 House—Hearing: Thursday, March 14, 2013, 1:30 PM Room 152-S

03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 485

03/25/2013 House—Committee of the Whole - Be passed as amended—HJ 521

03/26/2013 House—Final Action - Passed as amended; Yea: 74 Nay: 45—HJ 542

03/26/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 425

04/01/2013 House—Motion to accede adopted; Representative Rubin, Representative Gonzalez and Representative Finney appointed as conferees—HJ 593

04/02/2013 Senate—Concurred with amendments in conference; Yea: 38 Nay: 2—SJ 512

04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850

04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848

S 17

Bill by Judiciary

Amending the crime of unlawful sexual relations.

01/15/2013 Senate—Introduced—SJ 49

01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54

01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-S

S 18

Bill by Judiciary

House Substitute for SB 18 by Committee on Judiciary -- Relating to disputes involving church congregations.

01/15/2013 Senate—Introduced—SJ 49

01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54

01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-S

01/25/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 84

01/29/2013 Senate—Committee of the Whole - Be passed as amended—SJ 92

01/30/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 94

01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Judiciary—HJ 136
 02/27/2013 House—Hearing: Wednesday, March 06, 2013, 3:30 PM Room 112-N
 03/22/2013 House—Committee Report recommending substitute bill be passed by
 Committee on Judiciary—HJ 502
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on
 Judiciary—HJ 587

S 19

Bill by Judiciary

Mistreatment of a dependent adult.

01/15/2013 Senate—Introduced—SJ 49
 01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54
 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-
 S
 01/31/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 105
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 129
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—
 HJ 179

S 20

Bill by Judiciary

Amendments to the Kansas offender registration act.

01/15/2013 Senate—Introduced—SJ 50
 01/16/2013 Senate—Referred to Committee on Judiciary—SJ 54
 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 346-
 S
 01/24/2013 Senate—Committee Report recommending bill be passed by Committee
 on Judiciary—SJ 81
 01/29/2013 Senate—Committee of the Whole - Be passed—SJ 92
 01/30/2013 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 95
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Judiciary—HJ 136
 02/27/2013 House—Hearing: Wednesday, March 06, 2013, 3:30 PM Room 112-N
 03/18/2013 House—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—HJ 414
 03/21/2013 House—Committee of the Whole - Be passed as amended—HJ 466
 03/22/2013 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 472
 03/25/2013 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator King, Senator Smith and Senator Haley as
 conferees—SJ 394
 03/26/2013 House—Motion to accede adopted; Representative Kinzer,
 Representative Bruchman and Representative Pauls appointed as conferees
 —HJ 554
 05/09/2013 House—Conference Committee Report was adopted; Yea: 119 Nay: 1—
 HJ 919
 05/16/2013 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 0—
 SJ 919
 05/24/2013 Senate—Enrolled and presented to Governor on Friday, May 24, 2013
 —SJ 1004
 05/31/2013 Senate—Approved by Governor on Thursday, 30 May 2013—SJ 1015

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- S 21** Bill by Federal and State Affairs
Firearms; criminal possession of a firearm; expungement; personal and family protection act.
 01/15/2013 Senate—Introduced—SJ 50
 01/16/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 54
 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 10:30 AM Room 144-S
 01/30/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 95
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 130
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Federal and State Affairs—HJ 179
 02/19/2013 House—Hearing: Tuesday, February 26, 2013, 9:00 AM Room 346-S
 02/26/2013 House—Hearing: Wednesday, February 27, 2013, 9:00 AM Room 346-S
 03/14/2013 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 396
 03/26/2013 House—Committee of the Whole - Be passed—HJ 557
 03/26/2013 House—Emergency Final Action - Passed; Yea: 119 Nay: 3—HJ 585
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 22** Bill by Legislative Educational Planning Committee
House Substitute for SB 22 by Committee on Education -- Enacting the corporate education tax credit scholarship program act.
 01/15/2013 Senate—Introduced—SJ 50
 01/16/2013 Senate—Referred to Committee on Education—SJ 54
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 1:30 PM Room 144-S
 02/14/2013 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 155
 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
 02/20/2013 Senate—Final Action - Passed; Yea: 34 Nay: 6—SJ 172
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Education—HJ 258
 03/08/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 112-N
 03/21/2013 House—Committee Report recommending substitute bill be passed by Committee on Education—HJ 467
 03/25/2013 House—Committee of the Whole - Motion to refer to committee failed Committee on Taxation—HJ 521
 03/25/2013 House—Committee of the Whole - Motion to recommend favorably for passage failed—HJ 521
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Education—HJ 587
- S 23** Bill by Legislative Educational Planning Committee
School districts; statewide tax levy for public schools; school finance amendments.
 01/15/2013 Senate—Introduced—SJ 50
 01/16/2013 Senate—Referred to Committee on Education—SJ 54

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 1:30 PM Room 144-S
- 02/14/2013 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 155
- 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
- 02/20/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 173
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Education—HJ 258
- 03/11/2013 House—Withdrawn from Committee on Education; Referred to Committee on Education Budget—HJ 374
- 03/11/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 281N
- 03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Education Budget—HJ 486
- 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 561
- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 122 Nay: 0—HJ 579
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Abrams, Senator Arpke and Senator Hensley as conferees—SJ 489
- 04/01/2013 House—Motion to accede adopted; Representative Cassidy, Representative Grosserode and Representative Winn appointed as conferees—HJ 593
- 04/04/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Abrams, Senator Arpke and Senator Hensley appointed as second conferees—SJ 576
- 04/05/2013 House—Substitute motion to not adopt and appoint a conference committee failed—HJ 838
- 04/05/2013 House—Conference Committee Report was adopted; Yea: 119 Nay: 1—HJ 845
- 04/05/2013 Senate—Motion to suspend Joint Rule 3(f) Distribution of CCR Copies passed—SJ 806
- 04/05/2013 Senate—Motion to adopt the conference committee report.—SJ 814
- 04/05/2013 Senate—Substitute motion to not adopt conference committee report and appoint a new conference committee. Motion failed. Yea: 18 Nay: 21—SJ 814
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 28 Nay: 11—SJ 814
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 24** Bill by Financial Institutions and Insurance
Insurance – Risk-based capital requirements for property, casualty and life insurance companies.
- 01/16/2013 Senate—Introduced—SJ 53
- 01/17/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 58
- 01/24/2013 Senate—Hearing: Tuesday, January 29, 2013, 9:30 AM Room 546-E
- 02/05/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 112

- 02/13/2013 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 144
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Insurance—HJ 222
 03/13/2013 House—Hearing: Monday, March 18, 2013, 3:30 PM Room 152-S
 03/21/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 467
 03/26/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 535
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 25** Bill by Financial Institutions and Insurance
Insurance – Risk-based capital requirements for health organizations.
 01/16/2013 Senate—Introduced—SJ 53
 01/17/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 58
 01/24/2013 Senate—Hearing: Tuesday, January 29, 2013, 9:30 AM Room 546-E
 02/05/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 112
 02/13/2013 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 144
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Insurance—HJ 222
 03/13/2013 House—Hearing: Monday, March 18, 2013, 3:30 PM Room 152-S
 03/21/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 467
 03/26/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 536
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 26** Bill by Financial Institutions and Insurance
Lines of insurance; reporting requirements.
 01/16/2013 Senate—Introduced—SJ 53
 01/17/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 58
 01/24/2013 Senate—Hearing: Tuesday, January 29, 2013, 9:30 AM Room 546-E
 02/05/2013 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 112
 02/06/2013 Senate—Committee of the Whole - Be passed—SJ 122
 02/07/2013 Senate—Final Action - Passed; Yea: 38 Nay: 0—SJ 130
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Insurance—HJ 179
 03/13/2013 House—Hearing: Monday, March 18, 2013, 3:30 PM Room 152-S
 03/21/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 467
 03/22/2013 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 471
 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 27** Bill by Legislative Educational Planning Committee
Eligibility of students under the military service scholarship program act.
 01/16/2013 Senate—Introduced—SJ 53

- 01/17/2013 Senate—Referred to Committee on Ways and Means—SJ 58
- 02/13/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 151
- 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
- 02/20/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 173
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Veterans, Military and Homeland Security—HJ 258
- 02/27/2013 House—Hearing: Thursday, March 07, 2013, 9:00 AM Room 152-S
- 03/12/2013 House—Committee Report recommending bill be passed as amended by Committee on Veterans, Military and Homeland Security—HJ 380
- 03/18/2013 House—Committee of the Whole - Be passed as amended—HJ 411
- 03/19/2013 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 423
- 03/19/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Masterson, Senator Denning and Senator Kelly as conferees—SJ 337
- 03/20/2013 House—Motion to accede adopted; Representative Goico, Representative Gonzalez and Representative Meier appointed as conferees—HJ 441
- 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 530
- 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
- 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848
- S 28** Bill by Federal and State Affairs
Authorizing the division of emergency management within the adjutant general's department to accept certain real property.
- 01/16/2013 Senate—Introduced—SJ 53
- 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
- 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 144-S
- 01/30/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 95
- 02/07/2013 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 128
- 02/08/2013 House—Received and Introduced—HJ 169
- 02/11/2013 House—Referred to Committee on General Government Budget—HJ 179
- 03/08/2013 House—Hearing: Wednesday, March 13, 2013, 1:30 PM Room 218 - N
- 03/18/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on General Government Budget—HJ 414
- 03/21/2013 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 463
- 04/01/2013 Senate—Enrolled and presented to Governor on Friday, March 29, 2013—SJ 495
- 04/04/2013 Senate—Approved by Governor on Thursday, 04 April 2013—SJ 574
- S 29** Bill by Federal and State Affairs
Racial profiling data collection and reporting requirements.
- 01/16/2013 Senate—Introduced—SJ 54
- 01/17/2013 Senate—Referred to Committee on Judiciary—SJ 58
- S 30** Bill by Federal and State Affairs
Uniform consumer credit code and payday loans.

- 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 58
- S 31** Bill by Commerce
Certain deductions from wages authorized.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Commerce—SJ 58
- S 32** Bill by Legislative Budget Committee
Department of health and environment; local environmental protection programs.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Ways and Means—SJ 58
- S 33** Bill by Ethics, Elections and Local Government
Elections; voter identification requirement.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 58
- S 34** Bill by Federal and State Affairs
Commission on emergency planning and response, membership.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 144-S
 01/30/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 130
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Federal and State Affairs—HJ 179
 02/19/2013 House—Hearing: Tuesday, February 26, 2013, 9:00 AM Room 346-S
- S 35** Bill by Federal and State Affairs
Alcoholic beverages; employment standards for persons serving alcoholic beverages.
 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
 01/18/2013 Senate—Hearing: Thursday, January 24, 2013, 10:30 AM Room 144-S
 01/30/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 96
 02/06/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 123
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 130
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Federal and State Affairs—HJ 179
 02/19/2013 House—Hearing: Monday, February 25, 2013, 9:00 AM Room 346-S
 03/13/2013 House—Withdrawn from Committee on Federal and State Affairs; Referred to Committee on Energy and Environment—HJ 382
- S 36** Bill by Federal and State Affairs
Substitute for SB 36 by Committee on Federal and State Affairs -- Alcoholic liquor; clubs and drinking establishments; samples; taxation; employment standards for servers; other.

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 58
 01/18/2013 Senate—Hearing: Thursday, January 24, 2013, 10:30 AM Room 144-S
 02/06/2013 Senate—Committee Report recommending substitute bill be passed by
 Committee on Federal and State Affairs—SJ 122
 02/12/2013 Senate—Committee of the Whole - Substitute bill be passed—SJ 141
 02/13/2013 Senate—Final Action - Substitute passed; Yea: 37 Nay: 2—SJ 145
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Federal and State Affairs—HJ 222
 02/19/2013 House—Hearing: Monday, February 25, 2013, 9:00 AM Room 346-S
 03/14/2013 House—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—HJ 396

S 37

Bill by Commerce

Kansas home inspectors professional competence and financial responsibility act.

01/17/2013 Senate—Introduced—SJ 57
 01/18/2013 Senate—Referred to Committee on Commerce—SJ 60
 01/18/2013 Senate—Hearing: Wednesday, January 23, 2013, 8:30 AM Room 548-S
 01/23/2013 Senate—Committee Report recommending bill be passed by Committee
 on Commerce—SJ 79
 02/12/2013 Senate—Committee of the Whole - Be passed—SJ 141
 02/13/2013 Senate—Final Action - Passed; Yea: 36 Nay: 3—SJ 146
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Commerce, Labor and Economic
 Development—HJ 222
 03/08/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 346-S
 03/22/2013 House—Committee Report recommending bill be passed by Committee
 on Commerce, Labor and Economic Development—HJ 476
 03/25/2013 House—Committee of the Whole - Be passed—HJ 514
 03/26/2013 House—Final Action - Passed; Yea: 102 Nay: 17—HJ 543
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02,
 2013—SJ 512
 04/11/2013 Senate—Vetoed by Governor; Returned to Senate on Thursday, April
 11, 2013—SJ 859
 05/13/2013 Senate—No motion to reconsider vetoed bill; Veto sustained

S 38

Bill by Senator V. Schmidt

Elections; advance voting; deceased voter.

01/17/2013 Senate—Introduced—SJ 57
 01/18/2013 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 60

S 39

Bill by Judiciary

Unlawful possession of prescription-only drugs.

01/17/2013 Senate—Introduced—SJ 57
 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 346-
 S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S

S 40

Bill by Judiciary

Amending provisions relating to DNA evidence.

01/17/2013 Senate—Introduced—SJ 57

- 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 346-S
 01/31/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 105
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 131
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 179
- S 41** 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 152-S
 Bill by Judiciary
Possession of a firearm during a drug distribution, cultivation or manufacture felony.
 01/17/2013 Senate—Introduced—SJ 57
 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 346-S
 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 132
 02/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 141
 02/13/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 146
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 222
 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 152-S
 03/19/2013 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 427
- S 42** 04/01/2013 House—Stricken from Calendar by Rule 1507
 Bill by Federal and State Affairs
Architects and engineers; immunity from liability in negligence under certain circumstances.
 01/17/2013 Senate—Introduced—SJ 58
 01/18/2013 Senate—Referred to Committee on Judiciary—SJ 60
 02/27/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 346-S
 03/07/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 250
 03/13/2013 Senate—Committee of the Whole - Be passed—SJ 272
 03/14/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 292
 03/15/2013 House—Received and Introduced—HJ 404
 03/18/2013 House—Referred to Committee on Judiciary—HJ 408
- S 43** Bill by Joint Committee on Energy and Environmental Policy
Requiring the Kansas water office to formulate a plan to address water-related issues.
 01/17/2013 Senate—Introduced—SJ 58
 01/18/2013 Senate—Referred to Committee on Natural Resources—SJ 60
 01/24/2013 Senate—Hearing: Thursday, January 31, 2013, 8:30 AM Room 159-S
- S 44** Bill by Senator Abrams
School districts; requirements for identification of and provision of services to students with dyslexia.

- 01/17/2013 Senate—Introduced—SJ 58
 01/18/2013 Senate—Referred to Committee on Education—SJ 60
 01/31/2013 Senate—Hearing: Thursday, February 07, 2013, 1:30 PM Room 144-S
S 45 Bill by Federal and State Affairs
Prohibition on use of state appropriated moneys to lobby relating to gun control at federal, state and local government level.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 66
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 9:30 AM Room 159-S
 03/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 250
 03/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 263
 03/13/2013 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 268
 03/14/2013 House—Received and Introduced—HJ 391
 03/15/2013 House—Referred to Committee on Elections—HJ 404
 03/19/2013 House—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 281-N
 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 523
S 46 Bill by Public Health and Welfare
Physical therapists; evaluation and treatment of patients.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 66
 01/24/2013 Senate—Hearing: Monday, January 28, 2013, 1:30 PM Room 118-N
 01/29/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 92
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 37 Nay: 1—SJ 131
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Health and Human Services—HJ 179
S 47 Bill by Federal and State Affairs
Amending the crime of identity theft.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Judiciary—SJ 66
 02/27/2013 Senate—Hearing: Thursday, March 07, 2013, 10:30 AM Room 346-S
S 48 Bill by Federal and State Affairs
Kansas employer e-verify accountability act.
 01/18/2013 Senate—Introduced—SJ 59
 01/22/2013 Senate—Referred to Committee on Commerce—SJ 66
 02/27/2013 Senate—Motion to withdraw from Committee on Commerce pending—SJ 202
 02/28/2013 Senate—Motion to withdraw from Committee on Commerce, failed. Yea: 6 Nay: 34—SJ 233
S 49 Bill by Natural Resources
Increasing the amount of time for blood-alcohol concentration tests upon suspicion of boating under the influence.
 01/18/2013 Senate—Introduced—SJ 60
 01/22/2013 Senate—Referred to Committee on Judiciary—SJ 66

- 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 346-S
- 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 132
- 02/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 141
- 02/13/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 146
- 02/14/2013 House—Received and Introduced—HJ 213
- 02/15/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 222
- 03/06/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 152-S
- 03/19/2013 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 427
- 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 50** Bill by Natural Resources
Requiring the completion of a boater safety education course.
 01/18/2013 Senate—Introduced—SJ 60
 01/22/2013 Senate—Hearing: Thursday, January 24, 2013, 8:30 AM Room 237-E
 01/22/2013 Senate—Referred to Committee on Natural Resources—SJ 66
- S 51** Bill by Financial Institutions and Insurance
Health insurance coverage for bankers association.
 01/18/2013 Senate—Introduced—SJ 60
 01/22/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 66
 01/24/2013 Senate—Hearing: Thursday, January 31, 2013, 9:30 AM Room 546-E
 02/07/2013 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 132
 02/12/2013 Senate—Committee of the Whole - Be passed—SJ 141
 02/13/2013 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 146
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Insurance—HJ 222
 03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 152-S
 03/19/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 428
 03/22/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 471
 04/01/2013 Senate—Enrolled and presented to Governor on Friday, March 29, 2013—SJ 495
- S 52** 04/04/2013 Senate—Approved by Governor on Thursday, 04 April 2013—SJ 574
 Bill by Financial Institutions and Insurance
Mortgage interest rate cap increase.
 01/18/2013 Senate—Introduced—SJ 60
 01/22/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 66
 01/24/2013 Senate—Hearing: Thursday, January 31, 2013, 9:30 AM Room 546-E
 02/07/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 132
 02/13/2013 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 144
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Financial Institutions—HJ 222
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 3:30 PM Room 152-S

- 03/18/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions—HJ 414
- 03/21/2013 House—Withdrawn from Consent Calendar and placed on General Orders—HJ 461
- 03/26/2013 House—Committee of the Whole - Be passed—HJ 557
- 03/26/2013 House—Emergency Final Action - Passed; Yea: 120 Nay: 2—HJ 576
- 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
- 04/04/2013 Senate—Approved by Governor on Thursday, 04 April 2013—SJ 574
- S 53** Bill by Federal and State Affairs
Prohibiting employers from requiring employees to divulge social media content.
- 01/18/2013 Senate—Introduced—SJ 60
- 01/22/2013 Senate—Referred to Committee on Commerce—SJ 66
- S 54** Bill by Federal and State Affairs
Amendments pertaining to the board of technical professions.
- 01/22/2013 Senate—Introduced—SJ 62
- 01/23/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 73
- 01/24/2013 Senate—Hearing: Thursday, January 31, 2013, 10:30 AM Room 144-S
- 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 132
- 02/12/2013 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 140
- 02/26/2013 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 198
- 03/26/2013 Senate—Withdrawn from Calendar, Rereferred to Committee on Federal and State Affairs—SJ 421
- S 55** Bill by Assessment and Taxation
Specifying responsibility for payment of the mortgage registration fee.
- 01/22/2013 Senate—Introduced—SJ 62
- 01/23/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 73
- S 56** Bill by Agriculture
Transferring the recognition of county fair associations from the secretary of agriculture to the board of county commissioners.
- 01/22/2013 Senate—Introduced—SJ 62
- 01/23/2013 Senate—Referred to Committee on Agriculture—SJ 73
- 01/25/2013 Senate—Hearing: Wednesday, January 30, 2013, 8:30 AM Room 159-S
- 02/19/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 167
- 02/20/2013 Senate—Committee of the Whole - Be passed as amended—SJ 190
- 02/20/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 191
- 02/25/2013 House—Received and Introduced—HJ 258
- 02/26/2013 House—Referred to Committee on Agriculture and Natural Resources—HJ 267
- 03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 346-S
- 03/13/2013 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 386
- 03/21/2013 House—Committee of the Whole - Be passed as amended—HJ 466
- 03/22/2013 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 472

- 03/25/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Love, Senator Kerschen and Senator Francisco as conferees—SJ 394
- 03/26/2013 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 554
- 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 531
- 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
- 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848
- S 57** Bill by Agriculture
Substitute for SB 57 by Committee on Agriculture - Agriculture; powers and duties of the department of agriculture relating to poultry improvement plan, stockyards and domesticated deer.
- 01/22/2013 Senate—Introduced—SJ 62
- 01/23/2013 Senate—Referred to Committee on Agriculture—SJ 73
- 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 8:30 AM Room 159-S
- 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 8:30 AM Room 159-S
- 02/06/2013 Senate—Hearing: Wednesday, February 13, 2013, 8:30 AM Room 159-S
- 02/27/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Agriculture—SJ 202
- 02/28/2013 Senate—Committee of the Whole - Substitute bill be passed—SJ 230
- 02/28/2013 Senate—Emergency Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 231
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Agriculture and Natural Resources—HJ 350
- 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 3:30 PM Room 346-S
- 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 412
- 03/21/2013 House—Committee of the Whole - Substitute bill be passed as amended—HJ 466
- 03/22/2013 House—Final Action - Substitute passed as amended; Yea: 79 Nay: 40—HJ 473
- 03/25/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Love, Senator Kerschen and Senator Francisco as conferees—SJ 394
- 03/26/2013 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 555
- 04/04/2013 House—Conference Committee Report was adopted; Yea: 80 Nay: 42—HJ 636
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 705
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- S 58** Bill by Judiciary
Sentencing for unlawful manufacturing of controlled substances.
 01/22/2013 Senate—Introduced—SJ 63
 01/23/2013 Senate—Referred to Committee on Judiciary—SJ 73
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 10:30 AM Room 346-S
 01/31/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Judiciary—SJ 104
 02/07/2013 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 129
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 179
 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 152-S
 03/19/2013 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 427
 03/25/2013 House—Committee of the Whole - Be passed—HJ 514
 03/26/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 543
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 59** Bill by Judiciary
Attorney general; reward for information.
 01/22/2013 Senate—Introduced—SJ 63
 01/23/2013 Senate—Referred to Committee on Judiciary—SJ 73
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 346-S
 02/07/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 132
 02/12/2013 Senate—Committee of the Whole - Be passed—SJ 141
 02/13/2013 Senate—Final Action - Passed; Yea: 39 Nay: 0—SJ 147
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Judiciary—HJ 222
 02/27/2013 House—Hearing: Wednesday, March 06, 2013, 3:30 PM Room 112-N
 03/18/2013 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 414
 03/21/2013 House—Committee of the Whole - Be passed—HJ 466
 03/22/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 473
 04/01/2013 Senate—Enrolled and presented to Governor on Friday, March 29, 2013—SJ 495
 04/04/2013 Senate—Approved by Governor on Thursday, 04 April 2013—SJ 574
- S 60** Bill by Judiciary
Amending the procedure for open records requests concerning criminal justice information.
 01/22/2013 Senate—Introduced—SJ 63
 01/23/2013 Senate—Referred to Committee on Judiciary—SJ 73
 02/14/2013 Senate—Hearing: Monday, February 18, 2013, 10:30 AM Room 346-S
 02/26/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 199
 02/27/2013 Senate—Committee of the Whole - Be passed—SJ 215
 02/28/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 224

- 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Judiciary—HJ 351
 03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 112-N
- S 61**
 Bill by Judiciary
Human trafficking; crimes of commercial sexual exploitation of a child, selling sexual relations, promoting the sale of sexual relations and buying sexual relations; children in need of care; staff secure facilities.
 01/22/2013 Senate—Introduced—SJ 63
 01/23/2013 Senate—Referred to Committee on Judiciary—SJ 73
 01/24/2013 Senate—Hearing: Monday, January 28, 2013, 10:30 AM Room 346-S
 01/31/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 105
 02/06/2013 Senate—Committee of the Whole - Be passed as amended—SJ 122
 02/07/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 0—SJ 131
 02/08/2013 House—Received and Introduced—HJ 169
 02/11/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 179
 02/26/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 152-S
 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 412
 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 62**
 Bill by Utilities
Making gas pipeline safety terminology consistent with federal regulations.
 01/22/2013 Senate—Introduced—SJ 63
 01/23/2013 Senate—Referred to Committee on Utilities—SJ 73
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 1:30 PM Room 548-S
 02/14/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Utilities—SJ 155
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 173
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Energy and Environment—HJ 258
 03/06/2013 House—Hearing: Friday, March 08, 2013, 9:00 AM Room 582-N
 03/13/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Energy and Environment—HJ 388
 03/19/2013 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 422
 03/26/2013 Senate—Enrolled and presented to Governor on Tuesday, March 26, 2013—SJ 434
 04/02/2013 Senate—Approved by Governor on Tuesday, 02 April 2013—SJ 532
- S 63**
 Bill by Ethics, Elections and Local Government
Elections; voting crimes, penalties and prosecution.
 01/22/2013 Senate—Introduced—SJ 63
 01/24/2013 Senate—Referred to Committee on Judiciary—SJ 81
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 213
 02/28/2013 Senate—Senator Tyson motioned to reconsider action on Holland's rejected amendment. Motion adopted. Yea: 25 Nay: 14—SJ 239
 02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ

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- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 9—SJ 232
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Elections—HJ 350
- 03/06/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 281-N
- 03/19/2013 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 427
- 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 558
- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 69 Nay: 53—HJ 580
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 489
- 04/01/2013 House—Motion to accede adopted; Representative Schwab, Representative Huebert and Representative Sawyer appointed as conferees—HJ 594
- 04/01/2013 House—Representative Kinzer replaces Representative Schwab on the Conference Committee—HJ 602
- 04/01/2013 House—Representative Bruchman replaces Representative Huebert on the Conference Committee—HJ 602
- 04/01/2013 House—Representative Pauls replaces Representative Sawyer on the Conference Committee—HJ 602
- 05/16/2013 House—Conference Committee Report agree to disagree adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as second conferees—HJ 995
- 05/16/2013 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Smith and Senator Haley appointed as second conferees—SJ 925
- 05/30/2013 Senate—Senator Tyson replaces Senator King on the Conference Committee—SJ 1013
- 05/30/2013 Senate—Senator Bruce replaces Senator Smith on the Conference Committee—SJ 1013
- 05/30/2013 Senate—Senator Holland replaces Senator Haley on the Conference Committee—SJ 1013
- S 64** Bill by Ethics, Elections and Local Government
House Substitute for SB 64 by Committee on Elections - Municipalities; elections; odd-numbered years; non-partisan.
- 01/22/2013 Senate—Introduced—SJ 63
- 01/24/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 81
- 01/28/2013 Senate—Hearing: Thursday, January 31, 2013, 9:30 AM Room 159-S
- 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 204
- 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 232
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Elections—HJ 350
- 03/25/2013 House—Committee Report recommending substitute bill be passed by

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- Committee on Elections—HJ 523
 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 65** Bill by Ethics, Elections and Local Government
Governmental ethics commission; membership expanded.
 01/23/2013 Senate—Introduced—SJ 73
 01/24/2013 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 81
- S 66** 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 9:30 AM Room 159-S
 Bill by Senator Smith
**Requiring the collection and publication of district attorney criminal and
 juvenile offender caseload data.**
 01/24/2013 Senate—Introduced—SJ 80
 01/25/2013 Senate—Referred to Committee on Judiciary—SJ 82
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 10:30 AM Room 346-S
 02/06/2013 Senate—Hearing: Monday, February 11, 2013, 10:30 AM Room 346-S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 10:30 AM Room
 346-S
 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 AM Room 346-S
- S 67** Bill by Public Health and Welfare
Vaccinations; exemption based on conscience or personal belief.
 01/24/2013 Senate—Introduced—SJ 80
 01/25/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 82
- S 68** Bill by Transportation
Driver's license examinations; locations.
 01/24/2013 Senate—Introduced—SJ 80
 01/25/2013 Senate—Referred to Committee on Transportation—SJ 82
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 8:30 AM Room 546-S
 02/07/2013 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Transportation—SJ 133
 02/13/2013 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 144
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Transportation—HJ 222
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 582-N
 03/22/2013 House—Committee Report recommending bill be passed by Committee
 on Transportation—HJ 508
 03/25/2013 House—Committee of the Whole - Be passed—HJ 514
 03/26/2013 House—Final Action - Passed; Yea: 116 Nay: 3—HJ 544
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02,
 2013—SJ 512
- S 69** 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
 Bill by Transportation
Motor vehicles; vehicle registration and license plates.
 01/24/2013 Senate—Introduced—SJ 80
 01/25/2013 Senate—Referred to Committee on Transportation—SJ 82
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 8:30 AM Room 546-
 S
 02/07/2013 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Transportation—SJ 133
 02/13/2013 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 145

- 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Transportation—HJ 222
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 582-N
 03/13/2013 House—Committee Report recommending bill be passed by Committee on Transportation—HJ 388
 03/18/2013 House—Committee of the Whole - Be passed—HJ 411
 03/19/2013 House—Final Action - Passed; Yea: 117 Nay: 6—HJ 424
 03/26/2013 Senate—Enrolled and presented to Governor on Tuesday, March 26, 2013—SJ 434
 04/02/2013 Senate—Approved by Governor on Tuesday, 02 April 2013—SJ 532
- S 70** Bill by Transportation
Substitute for SB 70 by Committee on Transportation – Updating certain motor vehicle definitions.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Transportation—SJ 82
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 8:30 AM Room 546-S
 02/20/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Transportation—SJ 187
 02/27/2013 Senate—Committee of the Whole - Substitute bill be passed—SJ 215
 02/28/2013 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 224
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Transportation—HJ 351
 03/08/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 582-N
 03/22/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Transportation—HJ 508
 05/22/2013 House—Motion to strike from Calendar adopted;—HJ 1016
- S 71** Bill by Financial Institutions and Insurance
Mortgage registration fees; verification of indebtedness.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 82
- S 72** Bill by Assessment and Taxation
Property tax exemption for health clubs.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 82
 02/20/2013 Senate—Hearing: Wednesday, February 27, 2013, 9:30 AM Room 548-S
 03/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 345
 03/25/2013 Senate—Committee of the Whole - Be passed as amended—SJ 396
 03/26/2013 Senate—Final Action - Passed as amended; Yea: 25 Nay: 14—SJ 427
 03/26/2013 House—Received and Introduced—HJ 587
 03/27/2013 House—Referred to Committee on Taxation—HJ 590
- S 73** Bill by Commerce
Workers compensation; administration; administrative judge disqualification; notice; workplace health and safety program.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Commerce—SJ 82
 01/31/2013 Senate—Hearing: Monday, February 04, 2013, 8:30 AM Room 548-S

- 02/18/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 162
- 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
- 02/20/2013 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 174
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 258
- 03/13/2013 House—Hearing: Thursday, March 14, 2013, 1:30 PM Room 346-S
- 03/15/2013 House—Hearing: Tuesday, March 19, 2013, 1:30 PM Room 346-S
- 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 514
- S 74 04/01/2013 House—Stricken from Calendar by Rule 1507
Bill by Commerce
Prison-made goods act; prohibiting prisoner production of manufactured or modular homes.
- 01/24/2013 Senate—Introduced—SJ 81
- 01/25/2013 Senate—Referred to Committee on Commerce—SJ 82
- 02/01/2013 Senate—Hearing: Thursday, February 07, 2013, 8:30 AM Room 548-S
- 02/13/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 151
- 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
- 02/20/2013 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 174
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 258
- 03/08/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 346 -S
- 03/20/2013 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 455
- 03/25/2013 House—Committee of the Whole - Be passed—HJ 520
- 03/26/2013 House—Final Action - Passed; Yea: 87 Nay: 32—HJ 544
- 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
- S 75 04/11/2013 Senate—Approved by Governor on Wednesday, 10 April 2013—SJ 848
Bill by Commerce
Record requirements and civil penalties relating to sales of plastic bulk merchandise containers.
- 01/24/2013 Senate—Introduced—SJ 81
- 01/25/2013 Senate—Referred to Committee on Commerce—SJ 82
- 02/06/2013 Senate—Hearing: Thursday, February 14, 2013, 8:30 AM Room 548-S
- 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 186
- 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
- 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 225
- 03/01/2013 House—Received and Introduced—HJ 320
- 03/06/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 350
- 03/08/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 346-S
- 03/20/2013 House—Committee Report recommending bill be passed by Committee on Commerce, Labor and Economic Development—HJ 455
- 03/25/2013 House—Committee of the Whole - Be passed—HJ 514

- 03/26/2013 House—Final Action - Passed; Yea: 101 Nay: 18—HJ 545
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 76** Bill by Ways and Means
Supplemental appropriation for FY 2012, FY 2013 and FY 2014 for various state agencies.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Ways and Means—SJ 82
 02/05/2013 Senate—Hearing: Thursday, February 07, 2013, 10:30 AM Room 548-S
 03/06/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 548-S
- S 77** Bill by Judiciary
Relating to the state child death review board.
 01/24/2013 Senate—Introduced—SJ 81
 01/25/2013 Senate—Referred to Committee on Judiciary—SJ 82
 02/06/2013 Senate—Hearing: Monday, February 11, 2013, 10:30 AM Room 346-S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
- S 78** Bill by Assessment and Taxation
Retention of 6.3% sales tax rate, reduction in individual income tax rates and elimination of certain deductions.
 01/25/2013 Senate—Introduced—SJ 82
 01/28/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 88
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 9:30 AM Room 548-S
 02/12/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 141
- S 79** Bill by Assessment and Taxation
Income tax deductions and modifications and severance tax exemptions; basis of partner's interest and shareholder's stock; statutory clarification.
 01/25/2013 Senate—Introduced—SJ 82
 01/28/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 88
 02/06/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 116
- S 80** Bill by Judiciary
Grand juries.
 01/28/2013 Senate—Introduced—SJ 86
 01/29/2013 Senate—Referred to Committee on Judiciary—SJ 90
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 8:30 AM Room 346-S
 02/06/2013 Senate—Hearing: Thursday, February 07, 2013, 10:30 PM Room 346-S
 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 133
 02/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 141
 02/13/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 147
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Judiciary—HJ 222
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 3:30 PM Room 112-N
 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 527
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Judiciary—HJ 587
- S 81** Bill by Judiciary

Open records; requests for criminal justice information; restriction of certain officials' information from publicly accessible records.

- 01/28/2013 Senate—Introduced—SJ 86
 01/29/2013 Senate—Referred to Committee on Judiciary—SJ 90
 01/31/2013 Senate—Hearing: Wednesday, February 06, 2013, 10:30 AM Room 346-S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 346-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 199
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 225
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Judiciary—HJ 351
 03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 112-N
 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 416
 03/21/2013 House—Committee of the Whole - Be passed as amended—HJ 466
 03/22/2013 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 474
 03/25/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 394
 03/26/2013 House—Motion to accede adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as conferees—HJ 555
 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 512
 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848

S 82

Bill by Utilities

Renewable energy portfolio standards.

- 01/28/2013 Senate—Introduced—SJ 86
 01/29/2013 Senate—Referred to Committee on Utilities—SJ 90
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 1:30 PM Room 548-S
 02/13/2013 Senate—Committee Report recommending bill be passed by Committee on Utilities—SJ 151
 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 239
 02/28/2013 Senate—Emergency Final Action - Not passed; Yea: 17 Nay: 23—SJ 232

S 83

Bill by Assessment and Taxation

House Substitute for SB 83 by Committee on Taxation - Income tax deductions and modifications; severance tax; sales tax and compensating use tax, presumptions relating to nexus; property tax, exemptions, new automobile manufacturing property; taxation of watercraft; leased commercial and industrial property appeals; correction of clerical errors.

- 01/29/2013 Senate—Introduced—SJ 89
 01/30/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 94
 02/05/2013 Senate—Hearing: Wednesday, February 06, 2013, 9:30 AM Room 548-S

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 02/05/2013 Senate—Hearing: Thursday, February 07, 2013, 9:30 AM Room 548-S
 02/13/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 150
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 37 Nay: 3—SJ 174
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Taxation—HJ 258
 03/06/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 582-N
 03/19/2013 House—Committee Report recommending substitute bill be passed by
 Committee on Taxation—HJ 431
 03/20/2013 House—Committee of the Whole - Substitute bill be passed—HJ 446
 03/21/2013 House—Final Action - Substitute passed; Yea: 96 Nay: 25—HJ 465
 03/21/2013 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Donovan, Senator Tyson and Senator
 Holland as conferees—SJ 369
 03/22/2013 House—Motion to accede adopted; Representative Carlson,
 Representative Schwab and Representative Sawyer appointed as conferees
 —HJ 471
 04/03/2013 House—Conference Committee Report was adopted; Yea: 104 Nay: 15
 —HJ 624
 04/03/2013 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 2—
 SJ 558
 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013
 —SJ 850
 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 84** Bill by Assessment and Taxation
**House Substitute for SB 84 by Committee on Taxation – Reduction to state
 income tax rates based on selected actual state general fund receipts
 computations; reduction of itemized deductions.**
- 01/29/2013 Senate—Introduced—SJ 89
 01/30/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 94
 02/05/2013 Senate—Hearing: Wednesday, February 06, 2013, 9:30 AM Room 548-
 S
 02/13/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Assessment and Taxation—SJ 151
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 30 Nay: 9—SJ 174
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Taxation—HJ 258
 03/13/2013 House—Committee Report recommending substitute bill be passed by
 Committee on Taxation—HJ 388
 03/20/2013 House—Committee of the Whole - Substitute bill be passed as amended
 Yea: 82 Nay: 37—HJ 455
 03/21/2013 House—Final Action - Substitute passed as amended; Yea: 82 Nay: 39
 —HJ 465
 03/21/2013 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Donovan, Senator Tyson and Senator
 Holland as conferees—SJ 370
 03/22/2013 House—Motion to accede adopted; Representative Carlson,
 Representative Schwab and Representative Sawyer appointed as conferees

- HJ 471
- 04/04/2013 House—Representative Menghini replaces Representative Sawyer on the Conference Committee—HJ 654
- 05/21/2013 House—Representative Siegfried replaces Representative Schwab on the Conference Committee—HJ 1015
- 05/24/2013 Senate—Senator Bruce replaces Senator Donovan on the Conference Committee—SJ 1004
- 05/28/2013 House—Conference Committee Report agree to disagree adopted; Representative Carlson, Representative Siegfried and Representative Menghini appointed as second conferees—HJ 1042
- 05/28/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Tyson, Senator Bruce and Senator Hensley appointed as second conferees—SJ 1006
- 05/28/2013 Senate—Senator Holland replaces Senator Hensley on the Conference Committee—SJ 1007
- 05/28/2013 House—Conference Committee Report not adopted; Yea: 42 Nay: 71—HJ 1055
- 05/29/2013 House—Motion to Reconsider Adopted Yea: 79 Nay: 32—HJ 1057
- 05/29/2013 House—Conference Committee Report not adopted; Representative Carlson, Representative Schwab and Representative Menghini appointed as third conferees—HJ 1057
- 05/29/2013 Senate—Motion to accede adopted; Senator Tyson, Senator Bruce and Senator Holland appointed as third conferees—SJ 1009
- 05/30/2013 House—Conference Committee Report agree to disagree adopted; Representative Carlson, Representative Schwab and Representative Menghini appointed as fourth conferees—HJ 1061
- 05/30/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Tyson, Senator Bruce and Senator Holland appointed as fourth conferees—SJ 1012
- 05/30/2013 House—Conference Committee Report not adopted; Yea: 18 Nay: 94—HJ 1082
- 05/31/2013 House—Motion to Reconsider Adopted—HJ 1086
- 05/31/2013 House—Conference Committee Report not adopted; Representative Carlson, Representative Schwab and Representative Menghini appointed as fifth conferees—HJ 1086
- 05/31/2013 Senate—Motion to accede adopted; Senator Tyson, Senator Bruce and Senator Holland appointed as fifth conferees—SJ 1015
- S 85** Bill by Financial Institutions and Insurance
Motor vehicle insurance; providing proof of insurance by cellular phone or portable electronic device.
- 01/29/2013 Senate—Introduced—SJ 89
- 01/30/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 94
- 02/14/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 546-S
- 02/14/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Financial Institutions and Insurance—SJ 155
- 02/20/2013 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 171
- 02/22/2013 House—Received and Introduced—HJ 256
- 02/25/2013 House—Referred to Committee on Insurance—HJ 258

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 03/08/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 152-S
 03/14/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 401
 03/20/2013 House—Final Action - Passed; Yea: 123 Nay: 0—HJ 444
 04/01/2013 Senate—Enrolled and presented to Governor on Friday, March 29, 2013—SJ 495
- S 86** 04/04/2013 Senate—Approved by Governor on Thursday, 04 April 2013—SJ 574
 Bill by Agriculture
Plant protection; live plant dealer's licenses.
 01/29/2013 Senate—Introduced—SJ 89
 01/30/2013 Senate—Referred to Committee on Agriculture—SJ 94
 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 159-S
- S 87** Bill by Agriculture
Establishing the Kansas equine education and promotion board.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Agriculture—SJ 94
 02/19/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 159-S
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 8:30 AM Room 159-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 198
- S 88** Bill by Judiciary
Increasing the children's advocacy center assessment fee.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Judiciary—SJ 94
 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 10:30 AM Room 346-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 214
 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 239
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 38 Nay: 2—SJ 233
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Appropriations—HJ 350
 03/13/2013 House—Hearing: Monday, March 18, 2013, 9:00 AM Room 112-N
 03/21/2013 House—Committee Report recommending bill be passed as amended by Committee on Appropriations—HJ 467
 03/25/2013 House—Committee of the Whole - Be passed as amended—HJ 514
 03/26/2013 House—Final Action - Passed as amended; Yea: 118 Nay: 1—HJ 545
 03/26/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 425
 04/01/2013 House—Motion to accede adopted; Representative Rhoades, Representative Suellentrop and Representative Henry appointed as conferees—HJ 594
 04/04/2013 Senate—Concurred with amendments in conference; Yea: 36 Nay: 3—SJ 700
 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848

- S 89** Bill by Judiciary
Interest on judgments in civil actions.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Judiciary—SJ 94
- S 90** Bill by Judiciary
Amending private remedies under the Kansas consumer protection act.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Judiciary—SJ 94
- S 91** Bill by Federal and State Affairs
Disaster reimbursement fund; adjutant general.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 94
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 10:30 AM Room 144-S
 02/07/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 132
 02/12/2013 Senate—Committee of the Whole - Be passed as amended—SJ 141
 02/13/2013 Senate—Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 147
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Appropriations—HJ 222
 02/20/2013 House—Withdrawn from Committee on Appropriations; Referred to Committee on Taxation
 03/06/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 582-N
- S 92** Bill by Senator Smith
Requiring law enforcement to report the presence of pornographic materials found at the scene of a sexually violent crime or in possession of a person who commits a sexually violent crime.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Judiciary—SJ 94
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 10:30 AM Room 346-S
 02/06/2013 Senate—Hearing: Thursday, February 07, 2013, 10:30 AM Room 346-S
 02/07/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 132
 02/12/2013 Senate—Committee of the Whole - Be passed—SJ 141
 02/13/2013 Senate—Final Action - Passed; Yea: 36 Nay: 2—SJ 147
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 222
 03/06/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 152-S
 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Corrections and Juvenile Justice—HJ 413
 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 93** Bill by Commerce
Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings.
 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Commerce—SJ 94
 02/06/2013 Senate—Hearing: Monday, February 11, 2013, 8:30 AM Room 548-S
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 8:30 AM Room 548-S
- S 94** Bill by Federal and State Affairs
Crimes, definition of firearm; antique firearms excluded.

- 01/29/2013 Senate—Introduced—SJ 90
 01/30/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 94
 01/30/2013 Senate—Withdrawn from Committee on Federal and State Affairs;
 Referred to Committee on Judiciary—SJ 94
- S 95** Bill by Senator Olson
Uniform vital statistics act; certificate of birth relating in stillbirth.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 102
- S 96** Bill by Transportation
Additional motor vehicle registration fees.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Transportation—SJ 102
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 8:30 AM Room 546-S
 02/14/2013 Senate—Committee Report recommending bill be passed by Committee
 on Transportation—SJ 155
 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
 02/20/2013 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 175
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Transportation—HJ 258
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 582-N
 03/22/2013 House—Committee Report recommending bill be passed as amended
 by Committee on Transportation—HJ 508
 03/25/2013 House—Committee of the Whole - Be passed as amended—HJ 514
 03/26/2013 House—Final Action - Passed as amended; Yea: 106 Nay: 12—HJ 546
 03/26/2013 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as
 conferees—SJ 425
 04/01/2013 House—Motion to accede adopted; Representative Proehl,
 Representative Ryckman Sr. and Representative Perry appointed as
 conferees—HJ 594
 04/04/2013 House—Conference Committee Report was adopted; Yea: 114 Nay: 8—
 HJ 637
 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 36 Nay: 3—
 SJ 706
 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013
 —SJ 850
 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 97** Bill by Federal and State Affairs
Logan county; election of board of commissioners.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 102
 02/08/2013 Senate—Hearing: Thursday, February 14, 2013, 9:30 AM Room 159-S
- S 98** Bill by Ethics, Elections and Local Government
Elections; local government candidates.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 102
 02/08/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 159-
 S

- S 99** Bill by Ethics, Elections and Local Government
Lobbyists defined.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 102
 02/08/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 159-S
- S 100** Bill by Ethics, Elections and Local Government
Lobbyists; filings.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 102
 02/08/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 159-S
 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 186
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 225
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Elections—HJ 350
 03/13/2013 House—Hearing: Monday, March 18, 2013, 1:30 PM Room 281-N
 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Elections—HJ 523
 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 101** Bill by Commerce
Motor-vehicle fuel; relating to retail pump labeling requirements.
 01/30/2013 Senate—Introduced—SJ 93
 01/31/2013 Senate—Referred to Committee on Transportation—SJ 102
- S 102** Bill by Legislative Post Audit Committee
Enacting the second amendment protection act.
 01/30/2013 Senate—Introduced—SJ 94
 01/31/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 102
 01/31/2013 Senate—Hearing: Tuesday, February 05, 2013, 10:30 AM Room 144-S
 02/08/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Federal and State Affairs—SJ 135
 02/13/2013 Senate—Consent Calendar Passed Yea: 39 Nay: 0—SJ 145
 02/14/2013 House—Received and Introduced—HJ 213
 02/15/2013 House—Referred to Committee on General Government Budget—HJ 222
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 218-N
 03/14/2013 House—Committee Report recommending bill be passed as amended by Committee on General Government Budget—HJ 401
 03/21/2013 House—Committee of the Whole - Be passed as amended—HJ 466
 03/22/2013 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 474
 03/25/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Ostmeyer, Senator Emler and Senator Faust-Goudeau as conferees—SJ 394
 03/26/2013 House—Motion to accede adopted; Representative DeGraaf, Representative Howell and Representative Lane appointed as conferees—HJ 555

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 04/02/2013 House—Representative Siegfried replaces Representative DeGraaf on the Conference Committee—HJ 607
- 04/02/2013 House—Representative Brunk replaces Representative Howell on the Conference Committee—HJ 607
- 04/02/2013 House—Representative Ruiz replaces Representative Lane on the Conference Committee—HJ 607
- 04/04/2013 House—Conference Committee Report agree to disagree adopted; Representative Siegfried, Representative Brunk and Representative Ruiz appointed as second conferees—HJ 642
- 04/04/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Ostmeyer, Senator Emler and Senator Faust-Goudeau appointed as second conferees—SJ 576
- 04/05/2013 House—Substitute motion to not adopt and appoint a conference committee failed Yea: 30 Nay: 90—HJ 836
- 04/05/2013 House—Conference Committee Report was adopted; Yea: 96 Nay: 24—HJ 837
- 04/05/2013 Senate—Motion to suspend Joint Rule 3(f) - 30 Minute Rule adopted—SJ 806
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 35 Nay: 4—SJ 817
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 103** Bill by Education
School district; redefining at-risk pupil.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Education—SJ 107
- S 104** Bill by Senator Abrams
Creating the Kansas children's internet protection act.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Education—SJ 107
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 1:30 PM Room 144-S
 02/18/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 163
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 175
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Education—HJ 258
 03/14/2013 House—Hearing: Friday, March 15, 2013, 8:00 AM Room 112-N
 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 413
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Education—HJ 587
- S 105** Bill by Education
School districts; bullying policies.
 01/31/2013 Senate—Introduced—SJ 99
 02/01/2013 Senate—Referred to Committee on Education—SJ 107
- S 106** Bill by Assessment and Taxation

Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.

01/31/2013 Senate—Introduced—SJ 99

02/01/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 107

02/20/2013 Senate—Hearing: Wednesday, February 27, 2013, 9:30 AM Room 548-S

03/13/2013 Senate—Hearing: Wednesday, March 20, 2013, 9:30 AM Room 548-S

03/26/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 434

S 107 Bill by Public Health and Welfare

Making name and substantive changes regarding the Kansas department for children and families and the Kansas department for aging and disabilities services consistent with E.R.O. 41.

01/31/2013 Senate—Introduced—SJ 99

02/01/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 107

02/01/2013 Senate—Hearing: Tuesday, February 05, 2013, 1:30 PM Room 118-N

02/06/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Public Health and Welfare—SJ 122

02/07/2013 Senate—Withdrawn from Consent Calendar and placed on General Orders—SJ 128

02/13/2013 Senate—Committee of the Whole - Be passed—SJ 151

02/14/2013 Senate—Final Action - Passed; Yea: 39 Nay: 1—SJ 153

02/15/2013 House—Received and Introduced—HJ 222

02/18/2013 House—Referred to Committee on Health and Human Services—HJ 231

02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 546-S

03/19/2013 House—Committee Report recommending bill be passed by Committee on Health and Human Services—HJ 428

03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Health and Human Services—HJ 587

S 108 Bill by Ethics, Elections and Local Government

Offices of the governor and lieutenant governor; vacancy.

01/31/2013 Senate—Introduced—SJ 101

02/01/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 107

S 109 Bill by Federal and State Affairs

Lobbying; use of public funds prohibited.

02/01/2013 Senate—Introduced—SJ 106

02/04/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 109

02/08/2013 Senate—Hearing: Monday, February 11, 2013, 9:30 AM Room 159-S

S 110 Bill by Ways and Means

Appropriations for FY 2014, FY 2015, FY 2016, FY 2017 and FY 2018 for various state agencies.

02/04/2013 Senate—Introduced—SJ 108

02/05/2013 Senate—Referred to Committee on Ways and Means—SJ 111

03/06/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 548-S

S 111 Bill by Senator Faust-Goudeau

Native Americans; establishing Native American legislative day at the capitol; awarding of high school diplomas.

- 02/04/2013 Senate—Introduced—SJ 108
 02/05/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 111
 02/06/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 144-S
 02/19/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—SJ 168
 02/20/2013 Senate—Committee of the Whole - Be passed as amended—SJ 190
 02/20/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0
 —SJ 191
 02/25/2013 House—Received and Introduced—HJ 258
 02/26/2013 House—Referred to Committee on Federal and State Affairs—HJ 267
 03/13/2013 House—Hearing: Monday, March 18, 2013, 9:00 AM Room 346-S
 03/19/2013 House—Committee Report recommending bill be passed as amended
 by Committee on Federal and State Affairs—HJ 427
 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 558
 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 122 Nay: 0
 —HJ 580
 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator Ostmeyer, Senator Emler and Senator Faust-
 Goudeau as conferees—SJ 490
 04/01/2013 House—Motion to accede adopted; Representative Siegfried,
 Representative Brunk and Representative Ruiz appointed as conferees—
 HJ 594
 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—
 SJ 513
 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08,
 2013—SJ 850
 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
S 112 Bill by Federal and State Affairs
**Alcoholic liquor; authorizing the production and transportation of homemade
 fermented beverages.**
 02/04/2013 Senate—Introduced—SJ 108
S 113 02/05/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 111
 Bill by Financial Institutions and Insurance
Credit unions; changes in certain loan limitations.
 02/04/2013 Senate—Introduced—SJ 108
 02/05/2013 Senate—Referred to Committee on Financial Institutions and Insurance
 —SJ 111
 02/14/2013 Senate—Hearing: Thursday, February 14, 2013, 9:30 AM Room 546-S
 02/14/2013 Senate—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Financial Institutions and Insurance—
 SJ 155
 02/20/2013 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 172
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Financial Institutions—HJ 258
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 3:30 PM Room 152-S
 03/18/2013 House—Committee Report recommending bill be passed and placed on
 Consent Calendar by Committee on Financial Institutions—HJ 414
 03/21/2013 House—Withdrawn from Consent Calendar and placed on General
 Orders—HJ 461
 03/26/2013 House—Committee of the Whole - Be passed—HJ 549

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 03/26/2013 House—Emergency Final Action - Passed; Yea: 122 Nay: 0—HJ 574
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
- S 114 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
 Bill by Federal and State Affairs
Kansas expanded lottery act; minimum investment; electronic gaming machine revenue distribution.
- S 115 02/04/2013 Senate—Introduced—SJ 108
 02/05/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 111
 Bill by Ways and Means
Requiring radon testing for residential home sales.
- S 116 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Commerce—SJ 111
 Bill by Ways and Means
Prohibiting referral fees between realtors.
- S 117 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Commerce—SJ 111
 Bill by Ways and Means
Repealing a \$500,000 transfer from highway patrol training center fund to the state general fund.
- 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Ways and Means—SJ 111
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 AM Room 548-S
 02/25/2013 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 196
 02/28/2013 Senate—Committee of the Whole - Be passed—SJ 238
 02/28/2013 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 233
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Appropriations—HJ 350
 03/14/2013 House—Withdrawn from Committee on Appropriations; Referred to Committee on Pensions and Benefits—HJ 391
 03/14/2013 House—Hearing: Monday, March 18, 2013, 9:00 AM Room 152-S
- S 118 Bill by Senator Smith
Relating to law enforcement reporting and investigation of missing persons.
- 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Judiciary—SJ 111
 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 10:30 AM Room 346-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 214
 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 233
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Judiciary—HJ 351
 03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 112-N
 03/22/2013 House—Committee Report recommending bill be passed by Committee on Judiciary—HJ 502
 03/25/2013 House—Committee of the Whole - Be passed—HJ 520
 03/26/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 546
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02,

- 2013—SJ 512
- 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 119** Bill by Senator Smith
Legislature: job protection for persons elected or appointed to the state legislature.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 111
- S 120** Bill by Agriculture
Enacting the Kansas farmers' market promotion act.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Agriculture—SJ 111
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 8:30 AM Room 159-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 202
 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 234
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Agriculture and Natural Resources—HJ 350
 03/06/2013 House—Hearing: Wednesday, March 13, 2013, 3:30 PM Room 346-S
 03/18/2013 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 412
 03/21/2013 House—Committee of the Whole - Be passed as amended—HJ 466
 03/22/2013 House—Final Action - Passed as amended; Yea: 68 Nay: 51—HJ 475
 03/25/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Love, Senator Kerschen and Senator Francisco as conferees—SJ 394
 03/26/2013 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 555
 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 531
 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
- 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848
- S 121** Bill by Public Health and Welfare
Medical care facilities, licensure and renewal of licenses.
 02/04/2013 Senate—Introduced—SJ 109
 02/05/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 111
 02/06/2013 Senate—Hearing: Thursday, February 14, 2013, 1:30 PM Room 118-N
 02/25/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 196
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 225
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Health and Human Services—HJ 351
 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 546-S

03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Health and Human Services—HJ 518

03/26/2013 House—Withdrawn from Calendar; Referred to Committee on Appropriations—HJ 587

S 122 Bill by Judiciary

Elections; unauthorized voting disclosures.

02/05/2013 Senate—Introduced—SJ 110

02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

02/13/2013 Senate—Hearing: Monday, February 18, 2013, 10:30 AM Room 346-S

02/27/2013 Senate—Committee Report recommending bill be passed by Committee on Judiciary—SJ 213

02/28/2013 Senate—Committee of the Whole - Be passed—SJ 230

02/28/2013 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 234

03/01/2013 House—Received and Introduced—HJ 349

03/06/2013 House—Referred to Committee on Judiciary—HJ 351

03/06/2013 House—Hearing: Tuesday, March 12, 2013, 3:30 PM Room 112-N

03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Judiciary—HJ 503

03/25/2013 House—Committee of the Whole - Be passed as amended—HJ 521

03/26/2013 House—Final Action - Passed as amended; Yea: 119 Nay: 0—HJ 547

03/26/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator King, Senator Smith and Senator Haley as conferees—SJ 426

04/01/2013 House—Motion to accede adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as conferees—HJ 594

04/04/2013 House—Conference Committee Report agree to disagree adopted; Representative Kinzer, Representative Bruchman and Representative Pauls appointed as second conferees—HJ 634

04/04/2013 Senate—Conference Committee Report agree to disagree adopted; Senator King, Senator Smith and Senator Haley appointed as second conferees—SJ 575

04/05/2013 House—Conference Committee Report was adopted; Yea: 89 Nay: 31—HJ 814

04/05/2013 Senate—Conference Committee Report was adopted; Yea: 30 Nay: 9—SJ 803

04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850

04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848

S 123 Bill by Judiciary

Amending the Kansas restraint of trade act.

02/05/2013 Senate—Introduced—SJ 110

02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

02/13/2013 Senate—Hearing: Thursday, February 21, 2013, 10:30 AM Room 346-S

02/20/2013 Senate—Hearing: Monday, February 25, 2013, 10:30 AM Room 546-S

S 124 Bill by Judiciary

Amending the Kansas restraint of trade act.

02/05/2013 Senate—Introduced—SJ 110

02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

02/13/2013 Senate—Hearing: Thursday, February 21, 2013, 10:30 AM Room 346-S

- 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 10:30 AM Room 546-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 214
 02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ
 230
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 36 Nay: 4
 —SJ 234
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Judiciary—HJ 351
 03/06/2013 House—Hearing: Wednesday, March 13, 2013, 3:30 PM Room 112-N
 03/21/2013 House—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—HJ 467
 03/25/2013 House—Committee of the Whole - Be passed as amended—HJ 514
 03/26/2013 House—Final Action - Passed as amended; Yea: 116 Nay: 2—HJ 547
 03/26/2013 Senate—Nonconcurrent with amendments; Conference Committee
 requested; appointed Senator King, Senator Smith and Senator Haley as
 conferees—SJ 426
 04/01/2013 House—Motion to accede adopted; Representative Kinzer,
 Representative Bruchman and Representative Pauls appointed as conferees
 —HJ 594
 04/04/2013 House—Conference Committee Report agree to disagree adopted;
 Representative Kinzer, Representative Bruchman and Representative Pauls
 appointed as second conferees—HJ 643
 04/04/2013 Senate—Conference Committee Report agree to disagree adopted;
 Senator King, Senator Smith and Senator Haley appointed as second
 conferees—SJ 576
 04/05/2013 House—Conference Committee Report was adopted; Yea: 97 Nay: 23—
 HJ 660
 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 6—
 SJ 747
 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013
 —SJ 850
 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
S 125 Bill by Judiciary
Enforcement of support orders; income withholding.
 02/05/2013 Senate—Introduced—SJ 110
 02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116
 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 10:30 AM Room
 346-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended
 by Committee on Judiciary—SJ 199
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 226
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Judiciary—HJ 351
S 126 03/06/2013 House—Hearing: Tuesday, March 12, 2013, 3:30 PM Room 112-N
 Bill by Judiciary
Abolishing the death penalty; creating the crime of aggravated murder.
 02/05/2013 Senate—Introduced—SJ 110
 02/06/2013 Senate—Referred to Committee on Judiciary—SJ 116

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- S 127** Bill by Federal and State Affairs
Electric cooperative refund to members on death.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Utilities—SJ 116
- S 128** Bill by Education
Career technical education incentive program amendments.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Education—SJ 116
 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 144-S
 02/26/2013 Senate—Committee Report recommending bill be passed by Committee on Education—SJ 198
 02/27/2013 Senate—Committee of the Whole - Be passed—SJ 215
 02/28/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 226
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Education—HJ 350
 03/08/2013 House—Hearing: Monday, March 11, 2013, 1:30 PM Room 112-N
 03/13/2013 House—Committee Report recommending bill be passed as amended by Committee on Education—HJ 387
 03/18/2013 House—Committee of the Whole - Be passed as amended—HJ 411
 03/19/2013 House—Final Action - Passed as amended; Yea: 123 Nay: 0—HJ 424
 03/19/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Abrams, Senator Arpke and Senator Hensley as conferees—SJ 337
 03/20/2013 House—Motion to accede adopted; Representative Kelley, Representative Cassidy and Representative Trimmer appointed as conferees—HJ 441
 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 531
 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848
- S 129** Bill by Financial Institutions and Insurance
Mortgage interest rate cap increase.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 116
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 9:30 AM Room 546-S
 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 187
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 226
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Financial Institutions—HJ 351
 03/07/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 152-S
 03/13/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 152-S
 03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Financial Institutions—HJ 501
 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 574
 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 110 Nay: 12—HJ 584

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Olson, Senator Longbine and Senator Hawk as conferees—SJ 490
- 04/01/2013 House—Motion to accede adopted; Representative DeGraaf, Representative Kelly and Representative Frownfelter appointed as conferees—HJ 594
- 04/05/2013 House—Conference Committee Report was adopted; Yea: 121 Nay: 0—HJ 659
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 38 Nay: 1—SJ 750
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 130** Bill by Ethics, Elections and Local Government
Investments by local governments; inflation protection.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 116
- 02/08/2013 Senate—Hearing: Thursday, February 14, 2013, 9:30 AM Room 159-S
- S 131** Bill by Ways and Means
School finance; use of capital outlay funds.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Education—SJ 116
- 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 144-S
- S 132** Bill by Ways and Means
School finance; amount of tax levy authorized to finance ancillary school facilities.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Education—SJ 116
- S 133** Bill by Ways and Means
Providing authority for a school district to adopt a local activities budget.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Education—SJ 116
- S 134** Bill by Ways and Means
Capital improvement projects for various state agencies.
 02/05/2013 Senate—Introduced—SJ 111
 02/06/2013 Senate—Referred to Committee on Ways and Means—SJ 116
- 03/07/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 548-S
- S 135** Bill by Federal and State Affairs
Transferring boiler inspection duties from the department of labor to the state fire marshal.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 127
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 10:30 AM Room 144-S
 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 187
 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 235
 03/01/2013 House—Received and Introduced—HJ 349

- 03/06/2013 House—Referred to Committee on Federal and State Affairs—HJ 350
 03/13/2013 House—Hearing: Tuesday, March 19, 2013, 9:00 AM Room 346-S
 03/20/2013 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 448
 03/25/2013 House—Committee of the Whole - Be passed—HJ 520
 03/26/2013 House—Final Action - Passed; Yea: 114 Nay: 5—HJ 548
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 136** Bill by Transportation
Providing veterans designation on driver's licenses and nondriver identification cards.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Transportation—SJ 127
 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 8:30 AM Room 546-S
 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 188
 02/27/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 222
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 226
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Veterans, Military and Homeland Security—HJ 351
 03/13/2013 House—Hearing: Tuesday, March 19, 2013, 9:00 AM Room 152-S
 03/19/2013 House—Committee Report recommending bill be passed as amended by Committee on Veterans, Military and Homeland Security—HJ 431
 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 557
 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 119 Nay: 3—HJ 579
 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 490
 04/01/2013 House—Motion to accede adopted; Representative Goico, Representative Seiwert and Representative Meier appointed as conferees—HJ 594
 04/02/2013 Senate—Concurred with amendments in conference; Yea: 40 Nay: 0—SJ 513
 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08, 2013—SJ 850
 04/11/2013 Senate—Approved by Governor on Thursday, 11 April 2013—SJ 848
- S 137** Bill by Education
School districts; adoption of plan to address bullying.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Education—SJ 127
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 1:30 PM Room 144-S
- S 138** Bill by Financial Institutions and Insurance
Public adjusters licensing act; definitions.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 127

- 02/14/2013 Senate—Hearing: Wednesday, February 13, 2013, 9:30 AM Room 546-S
- S 139** Bill by Financial Institutions and Insurance
Kansas money transmitter act.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 127
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 9:30 AM Room 546-S
 02/15/2013 Senate—Hearing: Wednesday, February 20, 2013, 9:30 AM Room 546-S
 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 187
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 227
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Financial Institutions—HJ 351
 03/07/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 152-S
 03/13/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 152-S
 03/22/2013 House—Committee Report recommending bill be passed by Committee on Financial Institutions—HJ 501
 03/25/2013 House—Committee of the Whole - Be passed—HJ 514
 03/26/2013 House—Final Action - Passed; Yea: 117 Nay: 1—HJ 548
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 140** Bill by Judiciary
Immigration; enforcement of federal immigration laws; determination of citizenship; cooperative agreements; validity of certain contracts; eligibility for certain public benefits; effect of immigration status on criminal appearance bonds.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 127
- S 141** Bill by Senators Pilcher-Cook, Abrams, Apple, Arpke, Donovan, Fitzgerald, Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Tyson
Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 127
 02/08/2013 Senate—Hearing: Monday, February 11, 2013, 1:30 PM Room 118-N
 02/14/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 155
 02/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 168
 02/20/2013 Senate—Final Action - Passed as amended; Yea: 37 Nay: 2—SJ 175
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Federal and State Affairs—HJ 258
 03/13/2013 House—Hearing: Thursday, March 21, 2013, 9:00 AM Room 346-S
 03/25/2013 House—Committee Report recommending bill be passed by Committee on Federal and State Affairs—HJ 514
- S 142** Bill by Senators Pilcher-Cook, Abrams, Apple, Arpke, Donovan, Fitzgerald,

Holmes, Kerschen, Knox, LaTurner, Love, Lynn, Masterson, O'Donnell,
Olson, Ostmeyer, Powell, Pyle, Smith

Abortion; concerning civil actions related to abortion.

- 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Judiciary—SJ 127
 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 10:30 AM Room 346-S
 02/26/2013 Senate—Committee Report recommending bill be passed by Committee
 on Judiciary—SJ 199
 02/27/2013 Senate—Committee of the Whole - Be passed—SJ 215
 02/28/2013 Senate—Final Action - Passed; Yea: 34 Nay: 5—SJ 227
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Corrections and Juvenile Justice—
 HJ 350
 03/13/2013 House—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 152-S
 03/22/2013 House—Committee Report recommending bill be passed by Committee
 on Corrections and Juvenile Justice—HJ 485
 03/26/2013 House—Committee of the Whole - Be passed—HJ 557
 03/26/2013 House—Emergency Final Action - Passed; Yea: 89 Nay: 33—HJ 578
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02,
 2013—SJ 512
 04/11/2013 Senate—Approved by Governor on Wednesday, 10 April 2013—SJ 848
- S 143** Bill by Ethics, Elections and Local Government
State treasurer, insurance commissioner; term limits.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 127
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
- S 144** Bill by Ways and Means
Annual basketball game between division I universities of the state.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Ways and Means—SJ 127
- S 145** Bill by Ways and Means
Municipalities; elections; partisan; fall, odd-numbered years.
 02/06/2013 Senate—Introduced—SJ 114
 02/07/2013 Senate—Referred to Committee on Ethics, Elections and Local
 Government—SJ 127
 03/12/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 159-S
 03/12/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:25 AM Room 159-S
- S 146** Bill by Agriculture
**Agriculture; changing the definition of "on-farm retail sales of milk or milk
 products."**
 02/06/2013 Senate—Introduced—SJ 115
 02/07/2013 Senate—Referred to Committee on Agriculture—SJ 126
- S 147** Bill by Agriculture
Anhydrous ammonia regulation act.
 02/06/2013 Senate—Introduced—SJ 115
 02/07/2013 Senate—Referred to Committee on Agriculture—SJ 126
 02/13/2013 Senate—Withdrawn from Committee on Agriculture; Referred to
 Committee on Federal and State Affairs—SJ 143
 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 PM Room 144-S

- 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 198
- 02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 240
- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 1—SJ 235
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Agriculture and Natural Resources—HJ 350
- 03/06/2013 House—Hearing: Thursday, March 14, 2013, 3:30 PM Room 346-S
- 03/25/2013 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 521
- S 148** Bill by Senator LaTurner
Raffles; regulation; administrator of charitable gaming, department of revenue.
- 02/06/2013 Senate—Introduced—SJ 115
- 02/07/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 127
- 02/08/2013 Senate—Hearing: Thursday, February 14, 2013, 10:30 AM Room 144-S
- S 149** Bill by Commerce
Drug screening for recipients of cash assistance and unemployment benefits.
- 02/06/2013 Senate—Introduced—SJ 115
- 02/07/2013 Senate—Referred to Committee on Commerce—SJ 127
- 02/08/2013 Senate—Hearing: Friday, February 15, 2013, 8:30 AM Room 548-S
- 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 548-S
- 02/26/2013 Senate—Committee Report recommending bill be passed by Committee on Commerce—SJ 198
- 02/27/2013 Senate—Committee of the Whole - Motion to withdraw from General Orders and be re-referred to Committee on Commerce. The motion failed.—SJ 222
- 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 218
- 02/28/2013 Senate—Final Action - Passed as amended; Yea: 31 Nay: 8—SJ 228
- 03/01/2013 House—Received and Introduced—HJ 320
- 03/06/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 350
- 03/14/2013 House—Hearing: Tuesday, March 19, 2013, 1:30 PM Room 346-S
- 03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 476
- 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 557
- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 106 Nay: 16—HJ 577
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Lynn, Senator Wagle and Senator Holland as conferees—SJ 490
- 04/01/2013 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Frownfelter appointed as conferees—HJ 594
- 04/02/2013 Senate—Concurred with amendments in conference; Yea: 29 Nay: 9—SJ 513
- 04/08/2013 Senate—Enrolled and presented to Governor on Monday, April 08,

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 150** Bill by Ethics, Elections and Local Government
State, municipalities; contracts for construction materials and other goods and merchandise; specification limitations.
 02/07/2013 Senate—Introduced—SJ 124
 02/08/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 135
- 02/28/2013 Senate—Hearing: Thursday, March 07, 2013, 9:30 AM Room 159-S
- S 151** Bill by Ethics, Elections and Local Government
Public officials; term limits on senators and representatives.
 02/07/2013 Senate—Introduced—SJ 124
 02/08/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 135
- 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
- S 152** Bill by Ways and Means
Health insurance for firefighters and law enforcement officers.
 02/07/2013 Senate—Introduced—SJ 124
 02/08/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 135
- 03/13/2013 Senate—Hearing: Thursday, March 21, 2013, 9:30 AM Room 546-S
- 03/21/2013 Senate—Committee Report recommending bill be passed by Committee on Financial Institutions and Insurance—SJ 371
- 04/03/2013 Senate—Committee of the Whole - Be passed—SJ 536
- 04/03/2013 Senate—Emergency Final Action - Passed; Yea: 40 Nay: 0—SJ 537
- 04/03/2013 House—Received and Introduced—HJ 629
- 04/04/2013 House—Referred to Committee on Insurance—HJ 631
- S 153** Bill by Ways and Means
Water; dams; definition; exemption from permit requirements; inspection costs and penalties.
 02/07/2013 Senate—Introduced—SJ 124
 02/08/2013 Senate—Referred to Committee on Natural Resources—SJ 135
- 02/11/2013 Senate—Hearing: Thursday, February 14, 2013, 8:30 AM Room 159-S
- 02/12/2013 Senate—Hearing: Friday, February 15, 2013, 8:30 AM Room 159-S
- S 154** Bill by Utilities
Amending the expiration date of net excess generation credit.
 02/07/2013 Senate—Introduced—SJ 124
 02/08/2013 Senate—Referred to Committee on Utilities—SJ 135
- S 155** Bill by Federal and State Affairs
Technical professions; ethical marketing of profession services; state, local government clients.
 02/08/2013 Senate—Introduced—SJ 134
- 02/11/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 137
- S 156** Bill by Ethics, Elections and Local Government
Campaign finance; increased contributions to senators.
 02/08/2013 Senate—Introduced—SJ 134
 02/11/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 137
- S 157** Bill by Judiciary
Personal and family protection act; retired law enforcement officers.

- 02/08/2013 Senate—Introduced—SJ 134
 02/11/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 137
 03/07/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 144-S
S 158 Bill by Judiciary
Open records act; disclosure of names of concealed carry licensees prohibited.
 02/08/2013 Senate—Introduced—SJ 134
 02/11/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 137
S 159 Bill by Judiciary
Relating to reporting abuse, neglect or exploitation of certain persons.
 02/08/2013 Senate—Introduced—SJ 135
 02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137
S 160 Bill by Public Health and Welfare
Local health department; prohibition of accreditation requirements.
 02/08/2013 Senate—Introduced—SJ 135
 02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137
 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 118-N
S 161 Bill by Senators Pilcher-Cook, Abrams, Arpke, Bowers, Bruce, Denning, Donovan, Fitzgerald, Kerschen, King, LaTurner, Longbine, Love, Lynn, Masterson, O'Donnell, Olson, Ostmeier, Petersen, Pyle, Smith, Tyson, Wagle
Vital statistics; concerning death and unborn child death certificates.
 02/08/2013 Senate—Introduced—SJ 135
 02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137
 02/14/2013 Senate—Hearing: Thursday, February 14, 2013, 1:30 PM Room 118-N
S 162 Bill by Public Health and Welfare
Allowing employees to retain and receive employer contributions for health insurance and provide a tax deduction for premiums paid on individually underwritten privately purchased health insurance policies.
 02/08/2013 Senate—Introduced—SJ 135
 02/11/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 137
 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 9:30 AM Room 548-S
 03/14/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 295
S 163 Bill by Public Health and Welfare
Health Insurance; Mandate lite health benefit plans.
 02/08/2013 Senate—Introduced—SJ 135
 02/11/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 137
 02/11/2013 Senate—Hearing: Wednesday, February 13, 2013, 1:30 PM Room 118-N
 02/14/2013 Senate—Committee Report recommending bill be passed by Committee on Public Health and Welfare—SJ 155
 02/19/2013 Senate—Committee of the Whole - Be passed—SJ 168
 02/20/2013 Senate—Final Action - Passed; Yea: 38 Nay: 1—SJ 176
 02/22/2013 House—Received and Introduced—HJ 256
 02/25/2013 House—Referred to Committee on Insurance—HJ 258
 03/13/2013 House—Hearing: Monday, March 18, 2013, 3:30 PM Room 152-S
 03/21/2013 House—Committee Report recommending bill be passed by Committee on Insurance—HJ 467
 04/01/2013 House—Stricken from Calendar by Rule 1507
S 164 Bill by Transportation

Relating to the director of vehicles regulating providers of motor vehicle functions.

- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Transportation—SJ 140
 02/14/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 546-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Transportation—SJ 200
 02/27/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 222
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 229
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Transportation—HJ 351
 03/08/2013 House—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 582-N
 03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Transportation—HJ 164
 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 558
 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 117 Nay: 5—HJ 581
 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Petersen, Senator Wolf and Senator Pettey as conferees—SJ 490
 04/01/2013 House—Motion to accede adopted; Representative Proehl, Representative Ryckman Sr. and Representative Perry appointed as conferees—HJ 594
 04/04/2013 House—Conference Committee Report was adopted; Yea: 111 Nay: 9—HJ 649
 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 39 Nay: 0—SJ 712
 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
 Bill by Senators O'Donnell, Faust-Goudeau, Petersen

S 165

Substitute for SB 165 by Committee on Assessment and Taxation – Concerning relief from property taxation for property destroyed by disaster; agreements to pay tax by county boards.

- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 139
 02/19/2013 Senate—Hearing: Thursday, February 21, 2013, 9:30 AM Room 548-S
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 9:30 AM Room 548-S
 03/12/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 262
 03/19/2013 Senate—Committee of the Whole - Substitute bill be passed as amended—SJ 336
 03/20/2013 Senate—Final Action - Substitute passed as amended; Yea: 40 Nay: 0—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Taxation—HJ 470

S 166

Bill by Financial Institutions and Insurance
Insurers supervision, rehabilitation and liquidation act; derivatives.

- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 140
 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 9:30 AM Room 546-S
 02/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Financial Institutions and Insurance—SJ 187
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 229
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Insurance—HJ 351
 03/08/2013 House—Hearing: Wednesday, March 13, 2013, 3:30 PM Room 152-S
 03/21/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Insurance—HJ 467
 03/26/2013 House—Final Action - Passed; Yea: 119 Nay: 0—HJ 536
 04/02/2013 Senate—Enrolled and presented to Governor on Tuesday, April 02, 2013—SJ 512
 04/05/2013 Senate—Approved by Governor on Friday, 05 April 2013—SJ 702
- S 167** Bill by Senators Faust-Goudeau, Smith, Arpke, Francisco, King, Petersen
House Substitute for SB 167 by Committee on Corrections and Juvenile Justice – Juvenile justice authority; new community based service alternatives; new residential services levels; establishment of performance measures and payment methodologies.
- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Judiciary—SJ 140
 02/13/2013 Senate—Hearing: Tuesday, February 19, 2013, 10:30 PM Room 346-S
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Judiciary—SJ 199
 02/27/2013 Senate—Committee of the Whole - Be passed as amended—SJ 215
 02/28/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 230
 03/01/2013 House—Received and Introduced—HJ 320
 03/06/2013 House—Referred to Committee on Corrections and Juvenile Justice—HJ 350
 03/22/2013 House—Committee Report recommending substitute bill be passed by Committee on Corrections and Juvenile Justice—HJ 485
 03/26/2013 House—Withdrawn from Calendar, Rereferred to Committee on Corrections and Juvenile Justice—HJ 587
 04/02/2013 House—Committee Report recommending bill be passed by Committee on Corrections and Juvenile Justice—HJ 605
- S 168** Bill by Agriculture
Limiting nuisance actions against certain agricultural activities.
- 02/11/2013 Senate—Introduced—SJ 136
 02/12/2013 Senate—Referred to Committee on Agriculture—SJ 139
 02/15/2013 Senate—Hearing: Wednesday, February 20, 2013, 8:30 AM Room 159-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Agriculture—SJ 202
 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 39 Nay: 0—SJ 235

- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Agriculture and Natural Resources—HJ 350
- 03/06/2013 House—Hearing: Monday, March 11, 2013, 3:30 PM Room 346-S
- 03/13/2013 House—Committee Report recommending bill be passed as amended by Committee on Agriculture and Natural Resources—HJ 387
- 03/18/2013 House—Committee of the Whole - Be passed as amended—HJ 411
- 03/19/2013 House—Final Action - Passed as amended; Yea: 111 Nay: 12—HJ 425
- 03/19/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Love, Senator Kerschen and Senator Francisco as conferees—SJ 337
- 03/20/2013 House—Motion to accede adopted; Representative Schwartz, Representative Hoffman and Representative Victors appointed as conferees—HJ 441
- 04/04/2013 House—Conference Committee Report was adopted; Yea: 110 Nay: 12—HJ 638
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 34 Nay: 5—SJ 712
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 169** Bill by Ways and Means
Enacting the Kansas reads to success act.
- 02/11/2013 Senate—Introduced—SJ 136
- 02/12/2013 Senate—Referred to Committee on Education—SJ 140
- 02/13/2013 Senate—Hearing: Thursday, February 21, 2013, 1:30 PM Room 144-S
- S 170** 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 12:30 PM Room 144-S
 Bill by Education
Counties; abatement of nuisances; procedure; disposition of motor vehicles.
- 02/12/2013 Senate—Introduced—SJ 138
- 02/13/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 143
- S 171** Bill by Education
Appropriations for FY 2013, FY 2014, FY 2015, FY 2016, FY 2017 and FY 2018 for various state agencies; capital improvement projects; claims against the state.
- 02/12/2013 Senate—Introduced—SJ 138
- 02/13/2013 Senate—Referred to Committee on Education—SJ 143
- 02/18/2013 Senate—Hearing: Tuesday, February 19, 2013, 1:30 PM Room 144-S
- 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 203
- 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 236
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Education—HJ 350
- 03/19/2013 House—Withdrawn from Committee on Education; Referred to Committee on Education Budget—HJ 421
- 03/19/2013 House—Hearing: Thursday, March 21, 2013, 3:30 PM Room 281-N
- 03/22/2013 House—Committee Report recommending bill be passed as amended

- by Committee on Education Budget—HJ 501
- 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 558
- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 122 Nay: 0—HJ 581
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Abrams, Senator Arpke and Senator Hensley as conferees—SJ 490
- 04/01/2013 House—Motion to accede adopted; Representative Cassidy, Representative Grosserode and Representative Winn appointed as conferees—HJ 595
- 04/05/2013 House—Conference Committee Report agree to disagree adopted; Representative Cassidy, Representative Grosserode and Representative Winn appointed as second conferees—HJ 675
- 04/05/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Abrams, Senator Arpke and Senator Hensley appointed as second conferees—SJ 703
- 04/05/2013 House—Conference Committee Report was adopted; Yea: 63 Nay: 57—HJ 812
- 04/05/2013 Senate—Conference Committee Report not adopted; Senator Abrams, Senator Arpke and Senator Hensley appointed as third conferees—SJ 802
- 05/09/2013 House—Motion to accede adopted; Representative Cassidy, Representative Grosserode and Representative Winn appointed as third conferees—HJ 887
- 05/17/2013 Senate—Senator Masterson replaces Senator Abrams on the Conference Committee—SJ 927
- 05/17/2013 Senate—Senator Denning replaces Senator Arpke on the Conference Committee—SJ 927
- 05/17/2013 Senate—Senator Kelly replaces Senator Hensley on the Conference Committee—SJ 927
- 05/21/2013 House—Representative Rhoades replaces Representative Cassidy on the Conference Committee—HJ 1015
- 05/21/2013 House—Representative Suellentrop replaces Representative Grosserode on the Conference Committee—HJ 1015
- 05/21/2013 House—Representative Henry replaces Representative Winn on the Conference Committee—HJ 1015
- 05/24/2013 House—Conference Committee Report agree to disagree adopted; Representative Rhoades, Representative Suellentrop and Representative Henry appointed as fourth conferees—HJ 1037
- 05/24/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Masterson, Senator Denning and Senator Kelly appointed as fourth conferees—SJ 1003
- 06/01/2013 House—Conference Committee Report was adopted; Yea: 63 Nay: 51
- 06/02/2013 Senate—Conference Committee Report was adopted; Yea: 21 Nay: 15—SJ 1480
- 06/06/2013 Senate—Enrolled and presented to Governor on Thursday, June 06, 2013—SJ 1488
- 06/17/2013 Senate—Approved by Governor except line item veto of Sec. 29(f), Sec. 44(c), Sec. 44(d), Sec. 44(f), Sec. 45(b), Sec. 87(h), Sec. 87(i), Sec. 88(g), Sec. 88(h), Sec. 88(i), Sec. 111(t), Sec. 111(w), Sec. 112(s), Sec. 123(l); Sec. 124(j); Sec. 167(e); Sec. 168(e); Sec. 174; Sec. 193(c);

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- Sec. 199; Sec. 200Sec. 173(h), on Saturday, June 15, 2013
 06/20/2013 Senate—No motion to reconsider line item vetoes; Vetoes sustained
- S 172** Bill by Education
School districts; prohibiting the use of Carnegie units for purposes of determining graduation requirements.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/20/2013 Senate—Hearing: Friday, February 22, 2013, 10:30 AM Room 144-S
 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 12:30 PM Room 144-S
- S 173** Bill by Education
School districts; accounting for KPERS employer contributions as part of state aid to schools.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/22/2013 Senate—Withdrawn from Committee on Education; Referred to Committee on Ways and Means—SJ 194
 02/25/2013 Senate—Hearing: Wednesday, February 27, 2013, 10:30 AM Room 548-S
- S 174** Bill by Education
School finance; amendments to certain weightings.
 02/12/2013 Senate—Introduced—SJ 138
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 12:30 PM Room 144-S
- S 175** Bill by Ways and Means
Insurance; coverage for autism spectrum disorder.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 143
- S 176** Bill by Ways and Means
Creating the coalition of innovative districts act.
 02/12/2013 Senate—Introduced—SJ 139
 02/13/2013 Senate—Referred to Committee on Education—SJ 143
 02/13/2013 Senate—Hearing: Wednesday, February 20, 2013, 1:30 PM Room 144-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Education—SJ 203
 03/07/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Abrams—SJ 250
 03/07/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Francisco—SJ 251
 03/07/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Fitzgerald—SJ 250
 03/07/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 251
 03/07/2013 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 7—SJ 251
 03/08/2013 House—Received and Introduced—HJ 363
 03/11/2013 House—Referred to Committee on Education—HJ 374
- S 177** Bill by Ethics, Elections and Local Government
Elections; disclosure of certain voter information prohibited.
 02/12/2013 Senate—Introduced—SJ 139

- 02/13/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 143
- 02/20/2013 Senate—Hearing: Wednesday, February 20, 2013, 9:30 AM Room 159-S
- 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ethics, Elections and Local Government—SJ 212
- 02/28/2013 Senate—Committee of the Whole - Be passed as amended—SJ 230
- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 29 Nay: 10—SJ 236
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Elections—HJ 350
- 03/13/2013 House—Hearing: Monday, March 18, 2013, 1:30 PM Room 281-N
- 03/25/2013 House—Committee Report recommending bill be passed by Committee on Elections—HJ 523
- 04/01/2013 House—Stricken from Calendar by Rule 1507
- S 178** Bill by Senator Hensley
School finance; amending base state aid per pupil; increasing state prescribed percentage for local option budget for fiscal years 2014 and 2015.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Education—SJ 143
- S 179** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Holland, Kelly, Pettey
Requiring employment of Kansas workers for certain state contracts and tax benefits.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Commerce—SJ 143
- 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 8:30 AM Room 548-S
- 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 8:30 AM Room 548-S
- S 180** Bill by Senator Haley
Length of regular legislative session in odd-numbered years.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Ways and Means—SJ 143
- S 181** Bill by Assessment and Taxation
Computation of amount of personal property tax on motor vehicles.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 143
- 03/13/2013 Senate—Hearing: Thursday, March 21, 2013, 9:30 AM Room 548-S
- 03/26/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 434
- 04/03/2013 Senate—Committee of the Whole - Be passed—SJ 536
- 04/03/2013 Senate—Emergency Final Action - Not passed; Yea: 19 Nay: 19—SJ 537
- 04/03/2013 Senate—Motion to reconsider previous final action. Motion adopted.—SJ 543
- 04/03/2013 Senate—Motion to reconsider previous final action and place the bill back on general orders. Motion failed.—SJ 543
- 04/03/2013 Senate—Final Action - Passed; Yea: 21 Nay: 16—SJ 543
- 04/04/2013 House—Received and Introduced—HJ 632
- 04/05/2013 House—Referred to Committee on Taxation—HJ 656
- S 182** Bill by Senators Hensley, Faust-Goudeau, Francisco, Haley, Hawk, Holland, Pettey
Providing food sales tax refunds and homestead property tax refunds for

- renters.**
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 143
- S 183** Bill by Assessment and Taxation
Sales tax exemption for materials and services purchased by contractors for construction and remodeling of state properties and facilities.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 143
- 02/20/2013 Senate—Hearing: Tuesday, February 26, 2013, 9:30 AM Room 548-S
- S 184** Bill by Federal and State Affairs
Personal and family protection act; amendments.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 143
- S 185** Bill by Federal and State Affairs
Vital statistics; unborn child death certificate.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 143
- S 186** Bill by Federal and State Affairs
Personal and family protection act; public and private buildings; amendments.
- 02/12/2013 Senate—Introduced—SJ 139
- 02/13/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 143
- 03/07/2013 Senate—Hearing: Thursday, March 14, 2013, 10:30 AM Room 144-S
- S 187** Bill by Commerce
Amending workers compensation law provisions; establishing the workers compensation and employment security boards nominating committee; notice requirements; workplace health and safety program.
- 02/13/2013 Senate—Introduced—SJ 142
- 02/14/2013 Senate—Referred to Committee on Commerce—SJ 153
- 02/14/2013 Senate—Hearing: Thursday, February 21, 2013, 8:30 AM Room 548-S
- 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 8:30 AM Room 548-S
- 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Commerce—SJ 202
- 02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 241
- 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 31 Nay: 9—SJ 236
- 03/01/2013 House—Received and Introduced—HJ 349
- 03/06/2013 House—Referred to Committee on Commerce, Labor and Economic Development—HJ 350
- 03/15/2013 House—Hearing: Tuesday, March 19, 2013, 1:30 PM Room 346-S—HJ 404
- 03/22/2013 House—Committee Report recommending bill be passed as amended by Committee on Commerce, Labor and Economic Development—HJ 476
- 03/26/2013 House—Committee of the Whole - Be passed as amended—HJ 557
- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 88 Nay: 34—HJ 578
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Lynn, Senator Wagle and Senator Holland as conferees—SJ 490

- 04/01/2013 House—Motion to accede adopted; Representative Kleeb, Representative Suellentrop and Representative Frownfelter appointed as conferees—HJ 595
- 04/04/2013 House—Conference Committee Report agree to disagree adopted; Representative Kleeb, Representative Suellentrop and Representative Frownfelter appointed as second conferees—HJ 633
- 04/04/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Lynn, Senator Wagle and Senator Holland appointed as second conferees—SJ 575
- 04/05/2013 House—Conference Committee Report was adopted; Yea: 89 Nay: 31—HJ 674
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 29 Nay: 10—SJ 763
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/17/2013 Senate—Approved by Governor on Tuesday, 16 April 2013—SJ 848
- S 188** Bill by Assessment and Taxation
Sales tax authority for Ellis county.
 02/13/2013 Senate—Introduced—SJ 142
 02/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 153
- S 189** 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 9:30 AM Room 548-S
 Bill by Assessment and Taxation
Income tax credit for expenditures to make dwelling or facility accessible for persons with a disability.
 02/13/2013 Senate—Introduced—SJ 142
 02/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 153
 02/14/2013 Senate—Hearing: Tuesday, February 19, 2013, 9:30 AM Room 548-S
 02/19/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 167
- S 190** Bill by Senator Haley
Relating to eyewitness identifications.
 02/13/2013 Senate—Introduced—SJ 142
- S 191** 02/14/2013 Senate—Referred to Committee on Judiciary—SJ 153
 Bill by Federal and State Affairs
Amending definitions relating to agricultural corporations and repealing certain agricultural corporation statutes.
 02/13/2013 Senate—Introduced—SJ 142
 02/14/2013 Senate—Referred to Committee on Agriculture—SJ 153
 02/18/2013 Senate—Withdrawn from Committee on Agriculture; Referred to Committee on Natural Resources—SJ 159
 02/19/2013 Senate—Hearing: Friday, February 22, 2013, 8:30 AM Room 159-S
 02/28/2013 Senate—Hearing: Thursday, March 07, 2013, 8:30 AM Room 159-S
- S 192** Bill by Federal and State Affairs
Credit card surcharge exemption for certain educational institutions.
 02/13/2013 Senate—Introduced—SJ 142
 02/14/2013 Senate—Referred to Committee on Education—SJ 153
 02/18/2013 Senate—Withdrawn from Committee on Education; Referred to Committee on Financial Institutions and Insurance—SJ 159
- S 193** Bill by Utilities
State corporation commission; relating to the promulgation of rules and

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- regulations concerning horizontal drilling and hydraulic fracturing.**
- 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Utilities—SJ 153
- S 194** Bill by Ways and Means
Community developmental disability organizations; performance of functional assessments.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Ways and Means—SJ 153
 02/15/2013 Senate—Withdrawn from Committee on Ways and Means; Referred to Committee on Public Health and Welfare—SJ 157
 03/06/2013 Senate—Hearing: Tuesday, March 12, 2013, 1:30 AM Room 118-N
 03/13/2013 Senate—Hearing: Monday, March 18, 2013, 1:30 PM Room 118-N
- S 195** Bill by Ways and Means
Kansas employment first initiative act amendments.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Commerce—SJ 153
 03/06/2013 Senate—Hearing: Wednesday, March 13, 2013, 8:30 AM Room 548-S
- S 196** Bill by Ways and Means
Creating the Kansas public charter school act.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Education—SJ 153
 02/18/2013 Senate—Hearing: Thursday, February 21, 2013, 1:30 PM Room 144-S
 02/27/2013 Senate—Hearing: Thursday, March 07, 2013, 1:30 PM Room 144-S
- S 197** Bill by Ways and Means
Kansas dental board; licensure of dental practitioners.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 153
- S 198** Bill by Senators Hensley, Faust-Goudeau, Haley, Hawk, Pettey
Kansas Buy American Act.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Commerce—SJ 153
- S 199** Bill by Senators Pilcher-Cook, Abrams, Apple, Arpke, Bruce, Donovan, Fitzgerald, Holmes, Kerschen, LaTurner, Love, Lynn, Masterson, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Powell, Pyle, Smith, Wagle
Health care; stem cell therapy and unused medications.
 02/13/2013 Senate—Introduced—SJ 143
 02/14/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 153
 02/14/2013 Senate—Hearing: Friday, February 22, 2013, 1:30 PM Room 118-N
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 1:30 PM Room 118-N
 02/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 200
 02/28/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 230
 02/28/2013 Senate—Emergency Final Action - Passed as amended; Yea: 33 Nay: 7—SJ 236
 03/01/2013 House—Received and Introduced—HJ 349
 03/06/2013 House—Referred to Committee on Health and Human Services—HJ 351
 03/13/2013 House—Hearing: Tuesday, March 19, 2013, 1:30 PM Room 546-S
 03/22/2013 House—Committee Report recommending bill be passed as amended

- by Committee on Health and Human Services—HJ 502
- 03/26/2013 House—Committee of the Whole - Be passed as amended
- 03/26/2013 House—Emergency Final Action - Passed as amended; Yea: 90 Nay: 32—HJ 575
- 03/27/2013 Senate—Nonconcurrent with amendments; Conference Committee requested; appointed Senator Pilcher-Cook, Senator Bowers and Senator Kelly as conferees—SJ 490
- 04/01/2013 House—Motion to accede adopted; Representative Crum, Representative Weber and Representative Ward appointed as conferees—HJ 595
- 04/03/2013 House—Conference Committee Report agree to disagree adopted; Representative Crum, Representative Weber and Representative Ward appointed as second conferees—HJ 625
- 04/04/2013 Senate—Conference Committee Report agree to disagree adopted; Senator Pilcher-Cook, Senator Bowers and Senator Kelly appointed as second conferees—SJ 572
- 04/05/2013 House—Conference Committee Report was adopted; Yea: 90 Nay: 30—HJ 829
- 04/05/2013 Senate—Conference Committee Report was adopted; Yea: 31 Nay: 8—SJ 806
- 04/12/2013 Senate—Enrolled and presented to Governor on Friday, April 12, 2013—SJ 850
- 04/22/2013 Senate—Approved by Governor on Monday, 22 April 2013—SJ 848
- S 200** Bill by Ethics, Elections and Local Government
Open meetings; definition.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Judiciary—SJ 156
- S 201** Bill by Education
Creating the school district budget law.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Education—SJ 156
- S 202** Bill by Agriculture
Substitute for SB 202 by Committee on Assessment and Taxation -- Creating a sales tax exemption for certain agricultural production firms.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 156
 02/20/2013 Senate—Hearing: Wednesday, February 27, 2013, 9:30 AM Room 548-S
- 03/26/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Assessment and Taxation—SJ 434
- S 203** Bill by Federal and State Affairs
Alcoholic liquor: license citizenship; art organizations, complimentary drinks; clubs and drinking establishments, pitchers; coupons for drinks.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 156
 02/15/2013 Senate—Hearing: Wednesday, February 20, 2013, 10:30 AM Room 144-S
 02/27/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 213
 03/07/2013 Senate—Withdrawn from Calendar, Rereferred to Committee on

- Federal and State Affairs—SJ 248
 03/13/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—SJ 270
 03/19/2013 Senate—Committee of the Whole - Be passed as amended—SJ 336
 03/20/2013 Senate—Final Action - Passed as amended; Yea: 27 Nay: 13—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Federal and State Affairs—HJ 470
 03/22/2013 House—Hearing: Monday, March 25, 2013, 8:00 AM Room 582-N
 03/26/2013 House—Committee Report recommending bill be passed as amended by Committee on Federal and State Affairs—HJ 551
- S 204** Bill by Ways and Means
Member elections and retirement benefit determinations and one-time payments under KPERS act of 2015.
 02/14/2013 Senate—Introduced—SJ 152
 02/15/2013 Senate—Referred to Committee on Ways and Means—SJ 157
- S 205** Bill by Ways and Means
Member elections, retirement benefit determinations and one-time payments and interest credits and annuity interest rate changes under KPERS act of 2015.
 02/14/2013 Senate—Introduced—SJ 153
 02/15/2013 Senate—Referred to Committee on Ways and Means—SJ 157
- S 206** Bill by Ways and Means
Abolishing the oil and gas valuation depletion trust fund. Allowing the counties to retain funds already in such county's oil and gas valuation depletion trust fund.
 02/14/2013 Senate—Introduced—SJ 153
 02/15/2013 Senate—Referred to Committee on Ways and Means—SJ 157
- S 207** Bill by Federal and State Affairs
Concerning the regulation of motor carriers; authority to conduct spot checks.
 02/15/2013 Senate—Introduced—SJ 156
 02/18/2013 Senate—Referred to Committee on Transportation—SJ 159
- S 208** Bill by Federal and State Affairs
Alcoholic beverages; expanding the privileges of retailer's licensees.
 02/15/2013 Senate—Introduced—SJ 156
 02/18/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 159
- S 209** Bill by Ways and Means
Providing for public disclosure and economic efficiency in publicly funded contracts and economic development agreements.
 02/18/2013 Senate—Introduced—SJ 158
 02/19/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 166
- S 210** Bill by Ways and Means
Health information technology act.
 02/18/2013 Senate—Introduced—SJ 158
 02/19/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 166
 03/06/2013 Senate—Hearing: Wednesday, March 13, 2013, 1:30 PM Room 118-N
 03/19/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Public Health and Welfare—SJ 333
 03/25/2013 Senate—Committee of the Whole - Be passed as amended—SJ 395
 03/26/2013 Senate—Final Action - Passed as amended; Yea: 36 Nay: 4—SJ 428
 03/26/2013 House—Received and Introduced—HJ 587

- 03/27/2013 House—Referred to Committee on Health and Human Services—HJ 590
- S 211** Bill by Ways and Means
Elections; municipalities; primary and general elections; date change; partisan.
 02/18/2013 Senate—Introduced—SJ 158
 02/19/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 166
 02/20/2013 Senate—Hearing: Thursday, February 21, 2013, 9:30 AM Room 159-S
 03/08/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 159-S
 03/08/2013 Senate—Hearing: Thursday, March 14, 2013, 9:30 AM Room 159-S
- S 212** Bill by Assessment and Taxation
Establishing the produced water recycling, storage and transportation equipment investment income tax credit.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 171
 03/07/2013 Senate—Hearing: Tuesday, March 12, 2013, 9:30 AM Room 548-S
 03/20/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 345
- S 213** Bill by Federal and State Affairs
Kansas turnpike authority, speed based tolls.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Transportation—SJ 171
- S 214** Bill by Federal and State Affairs
Substitute for SB 214 by Committee on Federal and State Affairs – Bottle rockets; wholesale; transport out of state; registration; restrictions.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 171
 02/20/2013 Senate—Hearing: Monday, February 25, 2013, 10:30 AM Room 144-S
 02/27/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 144-S
 03/14/2013 Senate—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—SJ 295
 03/19/2013 Senate—Committee of the Whole - Substitute bill be passed—SJ 336
 03/20/2013 Senate—Final Action - Substitute passed; Yea: 40 Nay: 0—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Federal and State Affairs—HJ 470
 03/22/2013 House—Hearing: Monday, March 25, 2013, 8:00 AM Room 582-N
 03/25/2013 House—Hearing: Tuesday, March 26, 2013, 8:00 AM Room 582-N
- S 215** Bill by Federal and State Affairs
Kansas expanded lottery act; racetrack gaming, amendments.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 171
 03/21/2013 Senate—Hearing: Monday, March 25, 2013, 12:30 PM Room 144-S
- S 216** Bill by Ways and Means
Allowing a public building commission to acquire land for a municipal university similar to what such commission is currently allowed to do for any state university.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 171

- 02/22/2013 Senate—Withdrawn from Committee on Ethics, Elections and Local Government; Referred to Committee on Ways and Means—SJ 194
- 02/25/2013 Senate—Hearing: Wednesday, February 27, 2013, 10:30 AM Room 548-S
- 02/27/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Ways and Means—SJ 215
- 03/07/2013 Senate—Consent Calendar Passed Yea: 38 Nay: 0—SJ 249
- 03/08/2013 House—Received and Introduced—HJ 363
- 03/11/2013 House—Referred to Committee on General Government Budget—HJ 374
- 03/12/2013 House—Hearing: Wednesday, March 13, 2013, 1:30 PM Room 218-N
- 03/18/2013 House—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on General Government Budget—HJ 414
- 03/21/2013 House—Final Action - Passed; Yea: 121 Nay: 0—HJ 463
- 04/01/2013 Senate—Enrolled and presented to Governor on Friday, March 29, 2013—SJ 495
- 04/04/2013 Senate—Approved by Governor on Thursday, 04 April 2013—SJ 574
- S 217** Bill by Federal and State Affairs
Relating to substance abuse services.
 02/19/2013 Senate—Introduced—SJ 165
 02/20/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 171
 02/28/2013 Senate—Hearing: Thursday, March 07, 2013, 1:30 PM Room 118-N
- S 218** Bill by Ways and Means
Entire amount of docket fees shall be credited to the judicial branch docket fee fund, created in this bill, with certain exceptions. Extending the judicial branch surcharge for two years.
 02/20/2013 Senate—Introduced—SJ 170
 02/22/2013 Senate—Referred to Committee on Ways and Means—SJ 194
 02/25/2013 Senate—Hearing: Wednesday, February 27, 2013, 10:30 AM Room 548-S
 03/22/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 387
 03/26/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 464
 03/27/2013 Senate—Final Action - Passed as amended; Yea: 38 Nay: 1—SJ 478
 04/01/2013 House—Received and Introduced—HJ 593
 04/02/2013 House—Referred to Committee on Appropriations—HJ 604
- S 219** Bill by Federal and State Affairs
Child abuse investigations; department for children and families workers; training requirements.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 197
- S 220** Bill by Federal and State Affairs
Criminal code; gambling; raffles excluded.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 197
- S 221** Bill by Ways and Means
Cremation; priority of decedent's fully paid prearranged cremation plan.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 197

- 02/27/2013 Senate—Hearing: Thursday, March 07, 2013, 10:30 AM Room 144-S
S 222 Bill by Assessment and Taxation
Loans by pooled money investment board to local taxing subdivisions for payment of refund of taxes.
 02/25/2013 Senate—Introduced—SJ 195
 02/26/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 197
 03/07/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 548-S
 03/12/2013 Senate—Hearing: Thursday, March 14, 2013, 9:30 AM Room 548-S
 03/14/2013 Senate—Committee Report recommending bill be passed and placed on Consent Calendar by Committee on Assessment and Taxation—SJ 295
 03/20/2013 Senate—Consent Calendar Passed Yea: 40 Nay: 0—SJ 339
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Taxation—HJ 470
S 223 Bill by Ways and Means
Authorizing use of a crossbow by all hunters during big game archery season.
 02/26/2013 Senate—Introduced—SJ 197
 02/27/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 201
 02/27/2013 Senate—Withdrawn from Committee on Federal and State Affairs; Referred to Committee on Natural Resources—SJ 201
 03/12/2013 Senate—Hearing: Friday, March 15, 2013, 8:30 AM Room 159-S
S 224 Bill by Ways and Means
School finance; amendments to certain weightings.
 02/26/2013 Senate—Introduced—SJ 197
 02/27/2013 Senate—Referred to Committee on Education—SJ 201
 03/06/2013 Senate—Hearing: Tuesday, March 12, 2013, 1:30 PM Room 144-S
S 225 Bill by Assessment and Taxation
Allowing the board of regents to charge KAN-ED program user fees.
 02/27/2013 Senate—Introduced—SJ 201
 02/28/2013 Senate—Referred to Committee on Utilities—SJ 223
 03/06/2013 Senate—Hearing: Monday, March 11, 2013, 1:30 PM Room 548-S
S 226 Bill by Federal and State Affairs
House Substitute for SB 226 by Committee on Federal and State Affairs – Fireworks; regulation thereof.
 02/27/2013 Senate—Introduced—SJ 201
 02/28/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 223
 02/28/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 144-S
 03/13/2013 Senate—Committee Report recommending bill be passed by Committee on Federal and State Affairs—SJ 269
 03/19/2013 Senate—Committee of the Whole - Be passed—SJ 334
 03/20/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 342
 03/21/2013 House—Received and Introduced—HJ 461
 03/22/2013 House—Referred to Committee on Federal and State Affairs—HJ 470
 03/22/2013 House—Hearing: Monday, March 25, 2013, 8:00 AM Room 582-N
 03/25/2013 House—Hearing: Tuesday, March 26, 2013, 8:00 AM Room 582-N
 03/26/2013 House—Committee Report recommending substitute bill be passed by Committee on Federal and State Affairs—HJ 554
S 227 Bill by Federal and State Affairs
Kansas explosives safety act.
 02/28/2013 Senate—Introduced—SJ 231
 03/01/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 243

- 03/01/2013 Senate—Hearing: Wednesday, March 06, 2013, 10:30 AM Room 144-S
S 228 Bill by Federal and State Affairs
Clarifying the duties, responsibilities and authority of the attorney general.
 02/28/2013 Senate—Introduced—SJ 231
 03/01/2013 Senate—Referred to Committee on Judiciary—SJ 243
 03/06/2013 Senate—Hearing: Monday, March 11, 2013, 10:30 AM Room 346-S
S 229 Bill by Assessment and Taxation
Remittance credits for sales and use tax collection services provided by retailers.
 02/28/2013 Senate—Introduced—SJ 231
 03/01/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 243
 03/07/2013 Senate—Hearing: Wednesday, March 13, 2013, 9:30 AM Room 548-S
S 230 Bill by Ways and Means
Amendments to Kansas pet animal act; allowing animal shelters and rescue networks to be licensing agents for pet animal foster homes and to host mobile adoption events; changing inspection schedules.
 03/07/2013 Senate—Introduced—SJ 247
 03/08/2013 Senate—Referred to Committee on Agriculture—SJ 252
S 231 Bill by Assessment and Taxation
Expansion of rural opportunity zones.
 03/08/2013 Senate—Introduced—SJ 252
 03/11/2013 Senate—Referred to Committee on Commerce—SJ 253
 03/13/2013 Senate—Withdrawn from Committee on Commerce; Referred to Committee on Assessment and Taxation—SJ 265
 03/15/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S
 03/26/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 434
 04/03/2013 Senate—Committee of the Whole - Be passed as amended—SJ 536
 04/03/2013 Senate—Emergency Final Action - Passed as amended; Yea: 28 Nay: 12—SJ 538
 04/04/2013 House—Received and Introduced—HJ 632
 04/05/2013 House—Referred to Committee on Taxation—HJ 656
S 232 Bill by Assessment and Taxation
Earned income tax credit and homestead property tax refunds.
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 290
 03/20/2013 Senate—Hearing: Friday, March 15, 2013, 9:30 AM Room 548-S
 03/20/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 345
S 233 Bill by Ways and Means
Uniform consumer credit code, definition of "loan".
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 290
S 234 Bill by Assessment and Taxation
Sales tax exemption for sales of certain machinery and equipment used for surface mining activities.
 03/13/2013 Senate—Introduced—SJ 265
 03/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 290
 03/15/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S

- 03/18/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S
03/26/2013 Senate—Committee Report recommending bill be passed by Committee on Assessment and Taxation—SJ 434
- S 235** Bill by Assessment and Taxation
Property tax exemption for certain new automobile manufacturing property.
03/13/2013 Senate—Introduced—SJ 265
03/14/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 290
03/18/2013 Senate—Hearing: Monday, March 18, 2013, 9:30 AM Room 548-S
03/18/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Assessment and Taxation—SJ 300
03/25/2013 Senate—Committee of the Whole - Be passed as amended—SJ 395
03/26/2013 Senate—Final Action - Passed as amended; Yea: 40 Nay: 0—SJ 429
03/26/2013 House—Received and Introduced—HJ 587
03/27/2013 House—Referred to Committee on Taxation—HJ 590
- S 236** Bill by Ways and Means
Reporting of adult care home resident deaths.
03/14/2013 Senate—Introduced—SJ 290
03/15/2013 Senate—Referred to Committee on Public Health and Welfare—SJ 297
03/18/2013 Senate—Hearing: Wednesday, March 20, 2013, 1:30 PM Room 118-N
- S 237** Bill by Federal and State Affairs
Kansas public employee retirement system; military service discharge; return to employment.
03/14/2013 Senate—Introduced—SJ 290
03/15/2013 Senate—Referred to Committee on Ways and Means—SJ 297
- S 238** Bill by Assessment and Taxation
Predetermination of property classification.
03/19/2013 Senate—Introduced—SJ 305
03/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 338
- S 239** Bill by Ways and Means
Reducing corporate income tax rates based on selected actual corporation income tax state general fund receipts computation.
03/19/2013 Senate—Introduced—SJ 305
03/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 338
04/02/2013 Senate—Hearing: Wednesday, April 03, 2013, 9:00 AM Room 548-S
- S 240** Bill by Ways and Means
Decreasing corporate income surtax and eliminating certain income tax credits.
03/19/2013 Senate—Introduced—SJ 305
03/20/2013 Senate—Referred to Committee on Assessment and Taxation—SJ 338
- S 241** Bill by Ways and Means
Amending the percentage amount that is deposited into the oil and gas valuation depletion trust fund from 12.41% to 6%; allowing counties to access funds.
03/21/2013 Senate—Introduced—SJ 363
03/22/2013 Senate—Referred to Committee on Ways and Means—SJ 384
- S 242** Bill by Ways and Means
Requiring health insurers to provide a copy of the insurance policy or contract before an applicant is required to pay a premium.
03/22/2013 Senate—Introduced—SJ 384
03/25/2013 Senate—Referred to Committee on Financial Institutions and Insurance

- SJ 391
- S 243** Bill by Federal and State Affairs
Clubs and drinking establishments, other; purchase from alcoholic and wine distributors.
 03/25/2013 Senate—Introduced—SJ 389
 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
- S 244** Bill by Federal and State Affairs
Racetrack gaming facilities; electronic gaming facility income distribution.
 03/25/2013 Senate—Introduced—SJ 389
 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
- S 245** Bill by Ways and Means
National bio and agro defense facility, increasing amount of bonding authority from \$105,000,000 to \$307,000,000.
 05/08/2013 Senate—Introduced—SJ 847
 05/09/2013 Senate—Referred to Committee on Ways and Means—SJ 851
 05/10/2013 Senate—Committee Report recommending bill be passed as amended by Committee on Ways and Means—SJ 859
 05/14/2013 Senate—Committee of the Whole - Be passed as further amended—SJ 879
 05/15/2013 Senate—Final Action - Passed as amended; Yea: 32 Nay: 8—SJ 880
 05/16/2013 House—Received and Introduced—HJ 994
 05/17/2013 House—Referred to Committee on Appropriations—HJ 997
- S 246** Bill by Ways and Means
Reconciling amendments to certain statutes.
 05/08/2013 Senate—Introduced—SJ 847
 05/09/2013 Senate—Referred to Committee on Ways and Means—SJ 851
 05/10/2013 Senate—Committee Report recommending bill be passed by Committee on Ways and Means—SJ 859
 05/14/2013 Senate—Committee of the Whole - Be passed—SJ 876
 05/15/2013 Senate—Final Action - Passed; Yea: 40 Nay: 0—SJ 881
 05/16/2013 House—Received and Introduced—HJ 994
 05/17/2013 House—Referred to Committee on Appropriations—HJ 997
 05/23/2013 House—Motion by Rep. Rhoades under House Rule 2311 to suspend House Rule 1309 and advance the bill to Emergency Final Action Subject to Amendment, Debate and Roll Call. Motion adopted.—HJ 1033
 05/23/2013 House—Emergency Final Action - Passed; Yea: 111 Nay: 0—HJ 1034
 05/31/2013 Senate—Enrolled and presented to Governor on Friday, May 31, 2013—SJ 1015
- 06/17/2013 Senate—Approved by Governor on Friday, 07 June 2013—SJ 1484
- S 247** Bill by Ways and Means
University of Kansas; medical student loan act.
 05/16/2013 Senate—Introduced—SJ 901
 05/17/2013 Senate—Referred to Committee on Ways and Means—SJ 926

TITLE AND HISTORY OF SENATE CONCURRENT RESOLUTIONS

- S 1601** Concurrent Resolution by Senator King
Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.
 01/10/2013 Senate—Prefiled for Introduction on Wednesday, January 09, 2013
 01/14/2013 Senate—Introduced—SJ 12
 01/15/2013 Senate—Referred to Committee on Judiciary—SJ 50
 01/18/2013 Senate—Hearing: Wednesday, January 16, 2013, 10:30 AM Room 346-S
 01/18/2013 Senate—Hearing: Thursday, January 17, 2013, 10:30 AM Room 346-S
 01/25/2013 Senate—Committee Report recommending resolution be adopted as amended by Committee on Judiciary—SJ 85
 01/30/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Francisco—SJ 96
 01/30/2013 Senate—Committee of the Whole - Handwritten Motion to Amend - Offered by Senator Francisco—SJ 96
 01/30/2013 Senate—Committee of the Whole - Be adopted as amended—SJ 96
 01/30/2013 Senate—Emergency Final Action - Adopted as amended by Required 2/3 Majority; Yea: 28 Nay: 12—SJ 97
 01/31/2013 House—Received and Introduced—HJ 126
 02/01/2013 House—Referred to Committee on Judiciary—HJ 136
- S 1602** Concurrent Resolution by Senator LaTurner
State constitutional amendment; term limits; legislators.
 01/11/2013 Senate—Prefiled for Introduction on Friday, January 11, 2013
 01/14/2013 Senate—Introduced—SJ 19
 01/15/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 50
 01/24/2013 Senate—Hearing: Tuesday, January 29, 2013, 9:30 AM Room 159-S
 01/24/2013 Senate—Hearing: Wednesday, January 30, 2013, 9:30 AM Room 159-S
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
 02/13/2013 Senate—Hearing: Monday, February 18, 2013, 1:30 PM Room 118-N
- S 1603** Concurrent Resolution by Senators Wagle, Bruce, Hensley
Committee to inform governor that legislature is organized, 2013.
 01/14/2013 Senate—Introduced—SJ 22
 01/14/2013 Senate—Adopted without roll call—SJ 22
 01/14/2013 House—Received and Introduced—HJ 48
 01/14/2013 House—Adopted without roll call—HJ 48
 01/17/2013 Senate—Enrolled and presented to Secretary of State on Thursday, January 17, 2013—SJ 58
- S 1604** Concurrent Resolution by Senators Wagle, Bruce, Hensley
Joint rules for the Senate and House of Representatives, 2013-2014.
 01/14/2013 Senate—Introduced—SJ 40
 01/16/2013 Senate—Motion to Amend - Offered by Senator Donovan—SJ 55
 01/16/2013 Senate—Amendment by Senator Donovan was adopted—SJ 55
 01/16/2013 Senate—Motion to Amend - Offered by Senator Masterson—SJ 55
 01/16/2013 Senate—Amendment by Senator Masterson was adopted—SJ 55

(SJ and HJ Nos. refer to 2013 Senate and House Journals)

- 01/16/2013 Senate—Adopted as amended; Yea: 28 Nay: 11—SJ 55
 01/17/2013 House—Received and Introduced—HJ 81
 01/18/2013 House—Referred to Committee on Rules and Journal—HJ 83
 01/23/2013 House—Committee Report recommending resolution be adopted as amended by Committee on Rules and Journal—HJ 99
 01/24/2013 House—Committee of the Whole - Be adopted as amended—HJ 103
 01/28/2013 House—Final Action - Adopted as amended; Yea: 81 Nay: 41—HJ 109
 01/29/2013 Senate—Concurred with amendments; Yea: 28 Nay: 12—SJ 90
 02/07/2013 Senate—Enrolled and presented to Secretary of State on Thursday, February 07, 2013—SJ 132
- S 1605** Concurrent Resolution by Judiciary
Constitutional amendment revising article 3, relating to the judiciary; placing the court of appeals into the constitution; changing the membership of the supreme court nominating commission.
- 01/16/2013 Senate—Introduced—SJ 54
 01/17/2013 Senate—Referred to Committee on Judiciary—SJ 58
- S 1606** Concurrent Resolution by Senator Pilcher-Cook
Honoring pregnancy maintenance resource centers.
- 01/22/2013 Senate—Introduced—SJ 63
 01/22/2013 Senate—Adopted without roll call—SJ 66
 01/23/2013 House—Received and Introduced—HJ 98
 01/24/2013 House—Referred to Committee on Health and Human Services—HJ 102
 02/27/2013 House—Hearing: Thursday, March 07, 2013, 1:30 PM Room 546-S
 03/19/2013 House—Committee Report recommending resolution be adopted by Committee on Health and Human Services—HJ 428
 03/26/2013 House—Committee of the Whole - Be adopted—HJ 557
 03/26/2013 House—Emergency Final Action - Adopted; Yea: 122 Nay: 0—HJ 577
 04/04/2013 Senate—Enrolled and presented to Secretary of State on Thursday, April 04, 2013—SJ 573
- S 1607** Concurrent Resolution by Senators Holland, Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Kelly, Pettey
Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- 01/28/2013 Senate—Introduced—SJ 86
 01/29/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 90
 02/27/2013 Senate—Motion to withdraw from Committee on Ethics, Elections and Local Government pending—SJ 202
 02/28/2013 Senate—Motion to withdraw from Committee on Ethics, Elections, and Local Government, failed. Yea: 7 Nay: 32—SJ 224
- S 1608** Concurrent Resolution by Education
Constitutional amendment concerning school finance; suitable provision for finance determined by the legislature.
- 01/31/2013 Senate—Introduced—SJ 101
 02/01/2013 Senate—Referred to Committee on Judiciary—SJ 107
 02/06/2013 Senate—Hearing: Wednesday, February 13, 2013, 10:30 AM Room 346-S
 02/06/2013 Senate—Hearing: Thursday, February 14, 2013, 10:30 AM Room 546-S
 02/19/2013 Senate—Committee Report recommending resolution be adopted by

- Committee on Judiciary—SJ 168
 02/20/2013 Senate—Committee of the Whole - Be adopted—SJ 190
 02/20/2013 Senate—Emergency Final Action - Adopted by required 2/3 majority;
 Yea: 27 Nay: 13—SJ 192
 02/25/2013 House—Received and Introduced—HJ 258
 02/26/2013 House—Referred to Committee on Judiciary—HJ 267
- S 1609** Concurrent Resolution by Commerce
Constitutional amendment adding the economic freedom amendment prohibiting the transfer to the federal government of ownership interests in entities formed under Kansas law.
 02/01/2013 Senate—Introduced—SJ 106
 02/04/2013 Senate—Referred to Committee on Commerce—SJ 109
- S 1610** Concurrent Resolution by Ethics, Elections and Local Government
Elections; term limits; attorney general, secretary of state
 02/06/2013 Senate—Introduced—SJ 115
 02/07/2013 Senate—Referred to Committee on Ethics, Elections and Local Government—SJ 127
 02/08/2013 Senate—Hearing: Tuesday, February 12, 2013, 9:30 AM Room 159-S
 02/11/2013 Senate—Hearing: Thursday, February 14, 2013, 1:30 PM Room 118-N
- S 1611** Concurrent Resolution by Senators Wagle, Bruce, Hensley
Adjournment of legislature for a time during the 2013 session.
 02/28/2013 Senate—Introduced—SJ 241
 02/28/2013 Senate—Adopted without roll call—SJ 242
 03/01/2013 House—Received and Introduced—HJ 349
 03/01/2013 House—Adopted without roll call—HJ 349
 03/07/2013 Senate—Enrolled and presented to Secretary of State on Thursday, March 07, 2013—SJ 250
- S 1612** Concurrent Resolution by Senator Pilcher-Cook
Constitutional amendment to expressly reserve certain powers to the state of Kansas, and to the citizens of Kansas.
 03/25/2013 Senate—Introduced—SJ 389
 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
- S 1613** Concurrent Resolution by Senator Pilcher-Cook
Making application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States with respect to states' rights.
 03/25/2013 Senate—Introduced—SJ 390
 03/26/2013 Senate—Referred to Committee on Federal and State Affairs—SJ 421
- S 1614** Concurrent Resolution by Senators Wagle, Bruce, Hensley
Adjournment of the 2013 regular session of the legislative session.
 06/02/2013 Senate—Introduced—SJ 1481
 06/02/2013 Senate—Adopted without roll call—SJ 1482
 06/02/2013 House—Received and Introduced
 06/02/2013 House—Adopted without roll call
 06/06/2013 Senate—Enrolled and presented to Secretary of State on Thursday, June 06, 2013

TITLE AND HISTORY OF SENATE RESOLUTIONS

- S 1701** Resolution by Senators Wagle, Bruce, Hensley
Organization of the Senate, 2013.
 01/14/2013 Senate—Introduced—SJ 10
 01/14/2013 Senate—Adopted without roll call—SJ 11
 01/16/2013 Senate—Enrolled on Wednesday, January 16, 2013—SJ 54
- S 1702** Resolution by Senators Wagle, Bruce, Hensley
Assignment of seats in the Senate, 2013.
 01/14/2013 Senate—Introduced—SJ 11
 01/14/2013 Senate—Adopted without roll call—SJ 11
 01/16/2013 Senate—Enrolled on Wednesday, January 16, 2013—SJ 54
- S 1703** Resolution by Senators Wagle, King, Bruce, Hensley
Congratulating Senator and Mrs. Ostmeyer on their 50th wedding anniversary.
 01/14/2013 Senate—Introduced—SJ 23
 01/14/2013 Senate—Adopted without roll call—SJ 23
 01/16/2013 Senate—Enrolled on Wednesday, January 16, 2013—SJ 54
- S 1704** Resolution by Senators Wagle, Bruce, Hensley
Rules of the Senate 2013-2016.
 01/14/2013 Senate—Introduced—SJ 23
 01/15/2013 Senate—Motion to Amend - Offered by Senator Holland—SJ 52
 01/15/2013 Senate—Amendment by Senator Holland was adopted—SJ 52
 01/15/2013 Senate—Adopted as amended; Yea: 39 Nay: 0—SJ 52
 01/17/2013 Senate—Enrolled on Thursday, January 17, 2013—SJ 58
- S 1705** Resolution by Senators Abrams, Masterson
Congratulating and commending the members of the 2013 Kansas Teacher of the Year team.
 01/22/2013 Senate—Introduced—SJ 71
 01/22/2013 Senate—Adopted without roll call—SJ 72
 01/25/2013 Senate—Enrolled on Friday, January 25, 2013—SJ 83
- S 1706** Resolution by Senator Bowers
Recognizing National Catholic Schools Week.
 01/29/2013 Senate—Introduced—SJ 91
 01/29/2013 Senate—Adopted without roll call—SJ 92
 02/01/2013 Senate—Enrolled on Thursday, January 31, 2013—SJ 107
- S 1707** Resolution by Senator Smith
Congratulating the Shawnee Mission West High School Football Team on winning the 2012 6A State football championship.
 01/31/2013 Senate—Introduced—SJ 103
 01/31/2013 Senate—Adopted without roll call—SJ 104
 02/04/2013 Senate—Enrolled on Monday, February 04, 2013—SJ 109
- S 1708** Resolution by Senator V. Schmidt
Congratulating Jo Budler on her Librarian of the Year award.
 01/31/2013 Senate—Introduced—SJ 104
 01/31/2013 Senate—Adopted without roll call—SJ 104
 02/04/2013 Senate—Enrolled on Monday, February 04, 2013—SJ 109
- S 1709** Resolution by Senators Francisco, Haley, Pettey
Congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation.

- 02/07/2013 Senate—Introduced—SJ 127
 02/07/2013 Senate—Adopted without roll call—SJ 128
 02/11/2013 Senate—Enrolled on Monday, February 11, 2013—SJ 137
- S 1710** Resolution by Financial Institutions and Insurance
State partnership health insurance exchange.
 02/07/2013 Senate—Introduced—SJ 125
 02/08/2013 Senate—Referred to Committee on Financial Institutions and Insurance—SJ 135
- S 1711** Resolution by Federal and State Affairs
Opposing the black-footed ferret programmatic safe harbor agreement.
 02/07/2013 Senate—Introduced—SJ 125
 02/08/2013 Senate—Referred to Committee on Natural Resources—SJ 135
 02/11/2013 Senate—Hearing: Friday, February 15, 2013, 8:30 AM Room 159-S
 02/12/2013 Senate—Hearing: Thursday, February 14, 2013, 8:30 AM Room 159-S
 02/18/2013 Senate—Committee Report recommending resolution be adopted as amended by Committee on Natural Resources—SJ 164
 02/19/2013 Senate—Committee of the Whole - Be adopted as further amended—SJ 169
 02/20/2013 Senate—Final Action - Adopted as amended; Yea: 31 Nay: 9—SJ 176
 02/26/2013 Senate—Enrolled on Tuesday, February 26, 2013—SJ 198
- S 1712** Resolution by Senator Apple
Congratulating Bob Koechner for receiving the community service award from the NSDAR.
 02/12/2013 Senate—Introduced—SJ 140
 02/12/2013 Senate—Adopted without roll call—SJ 141
 02/14/2013 Senate—Enrolled on Thursday, February 14, 2013—SJ 155
- S 1713** Resolution by Senator Bruce
Congratulating and commending the 2014 graduating class of the Kansas Academy of Mathematics and Science.
 02/13/2013 Senate—Introduced—SJ 148
 02/13/2013 Senate—Adopted without roll call—SJ 149
 02/14/2013 Senate—Enrolled on Thursday, February 14, 2013—SJ 155
- S 1714** Resolution by Senator Hawk
Commemorating the 150th anniversary of Kansas State University.
 02/13/2013 Senate—Introduced—SJ 149
 02/13/2013 Senate—Adopted without roll call—SJ 150
 02/14/2013 Senate—Enrolled on Thursday, February 14, 2013—SJ 155
- S 1715** Resolution by Senator Abrams
Congratulating and commending the 2012 Kansas National Board Certified Teachers.
 02/18/2013 Senate—Introduced—SJ 159
 02/18/2013 Senate—Adopted without roll call—SJ 160
 02/20/2013 Senate—Enrolled on Wednesday, February 20, 2013—SJ 177
- S 1716** Resolution by Senator Abrams
Congratulating the Kansas recipient of the 2012 Milken Family Foundation Educator Award.
 02/18/2013 Senate—Introduced—SJ 160
 02/18/2013 Senate—Adopted without roll call—SJ 161
 02/20/2013 Senate—Enrolled on Wednesday, February 20, 2013—SJ 177
- S 1717** Resolution by Senator Abrams

**Congratulating and commending the 2013 Kansas Cable Telecommunications
Horizon Award Program educators.**

- 02/18/2013 Senate—Introduced—SJ 161
02/18/2013 Senate—Adopted without roll call—SJ 162
02/20/2013 Senate—Enrolled on Wednesday, February 20, 2013—SJ 177
- S 1718** Resolution by Senator Longbine
Designating February 15, 2013 as "Emporia State University Day".
02/19/2013 Senate—Introduced—SJ 166
02/19/2013 Senate—Adopted without roll call—SJ 167
02/20/2013 Senate—Enrolled on Wednesday, February 20, 2013—SJ 177
- S 1719** Resolution by Senator Haley
**Recognizing the friendship between the State of Kansas and the Nation of
Israel.**
02/28/2013 Senate—Introduced—SJ 237
02/28/2013 Senate—Adopted without roll call—SJ 238
03/01/2013 Senate—Enrolled on Friday, March 01, 2013—SJ 244
- S 1720** Resolution by Senator Kelly
Congratulating the Silver Lake High School debate team.
03/11/2013 Senate—Introduced—SJ 253
03/11/2013 Senate—Adopted without roll call—SJ 254
03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1721** Resolution by Senator Wolf
Congratulating the Shawnee Mission High School debate team.
03/11/2013 Senate—Introduced—SJ 254
03/11/2013 Senate—Adopted without roll call—SJ 255
03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1722** Resolution by Senator Holland
**Congratulating the Tonganoxie High School Debate team on their state
championship.**
03/11/2013 Senate—Introduced—SJ 255
03/11/2013 Senate—Adopted without roll call—SJ 255
03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1723** Resolution by Senator Longbine
Congratulating the Emporia High School debate team.
03/11/2013 Senate—Introduced—SJ 255
03/11/2013 Senate—Adopted without roll call—SJ 256
03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1724** Resolution by Senator McGinn
Congratulating the Newton High School debate team.
03/11/2013 Senate—Introduced—SJ 256
03/11/2013 Senate—Adopted without roll call—SJ 257
03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1725** Resolution by Senator Apple
Congratulating the Blue Valley West High School debate team.
03/11/2013 Senate—Introduced—SJ 257
03/11/2013 Senate—Adopted without roll call—SJ 257
03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1726** Resolution by Senator King
Congratulating the Field Kindley High School debate team.
03/11/2013 Senate—Introduced—SJ 257

- 03/11/2013 Senate—Adopted without roll call—SJ 258
 03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1727** Resolution by Senator King
Congratulating the Caney Valley High School debate team.
 03/11/2013 Senate—Introduced—SJ 258
 03/11/2013 Senate—Adopted without roll call—SJ 258
 03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1728** Resolution by Senator King
Congratulating the Caney Valley High School debate team.
 03/11/2013 Senate—Introduced—SJ 259
 03/11/2013 Senate—Adopted without roll call—SJ 259
 03/12/2013 Senate—Enrolled on Tuesday, March 12, 2013—SJ 262
- S 1729** Resolution by Senators Holland, Abrams, Apple, Arpke, Bowers, Denning, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Kelly, LaTurner, Longbine, Love, Lynn, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, V. Schmidt, Tyson, Wolf
Recognizing the Kansas Small Business Developing Center's 2013 Businesses of the year.
 03/12/2013 Senate—Introduced—SJ 260
 03/12/2013 Senate—Adopted without roll call—SJ 261
 03/15/2013 Senate—Enrolled on Friday, March 15, 2013—SJ 298
- S 1730** Resolution by Senator Hensley
Congratulating Cletus Simons on his receipt of the French Legion of Honor medal.
 03/12/2013 Senate—Introduced—SJ 261
 03/12/2013 Senate—Adopted without roll call—SJ 262
 03/15/2013 Senate—Enrolled on Friday, March 15, 2013—SJ 298
- S 1731** Resolution by Senators Longbine, Arpke, Hensley, Holland, Love, Lynn, Melcher
Congratulating the 2013 Kansas Master Teachers.
 03/13/2013 Senate—Introduced—SJ 266
 03/13/2013 Senate—Adopted without roll call—SJ 267
 03/15/2013 Senate—Enrolled on Friday, March 15, 2013—SJ 298
- S 1732** Resolution by Senators Hawk, Bowers
Designating March 11th-17th, 2013, as "Multiple Sclerosis Awareness Week".
 03/13/2013 Senate—Introduced—SJ 267
 03/13/2013 Senate—Adopted without roll call—SJ 268
 03/15/2013 Senate—Enrolled on Friday, March 15, 2013—SJ 298
- S 1733** Resolution by Senators Wagle, Hensley
Congratulating and commending Mary Torrence, Revisor of Statutes, on her retirement.
 03/14/2013 Senate—Introduced—SJ 291
 03/14/2013 Senate—Adopted without roll call—SJ 292
 03/15/2013 Senate—Enrolled on Friday, March 15, 2013—SJ 298
- S 1734** Resolution by Senator Ostmeyer
Congratulating the Norton High School wrestling team on its 3-2-1A state championship.
 03/15/2013 Senate—Introduced—SJ 297
 03/15/2013 Senate—Adopted without roll call—SJ 298
 03/20/2013 Senate—Enrolled on Wednesday, March 20, 2013—SJ 344
- S 1735** Resolution by Senator V. Schmidt

- Congratulating the Washburn Rural High School women's volleyball team on winning the class 6A state championship.**
 03/18/2013 Senate—Introduced—SJ 300
 03/18/2013 Senate—Adopted without roll call—SJ 300
 03/20/2013 Senate—Enrolled on Wednesday, March 20, 2013—SJ 344
- S 1736** Resolution by Senator Faust-Goudeau
Congratulating Miss Kansas 2012, Sloane Lewis.
 03/19/2013 Senate—Introduced—SJ 303
 03/19/2013 Senate—Adopted without roll call—SJ 304
 03/20/2013 Senate—Enrolled on Wednesday, March 20, 2013—SJ 344
- S 1737** Resolution by Senator Faust-Goudeau
Recognizing the contributions made by the citizens of Azerbaijan.
 03/20/2013 Senate—Introduced—SJ 339
 03/20/2013 Senate—Adopted without roll call—SJ 339
 03/22/2013 Senate—Enrolled on Friday, March 22, 2013—SJ 384
- S 1738** Resolution by Senators Bowers, Ostmeyer, Pyle
Congratulating the U.S. 36 Highway Association on its 100th anniversary.
 03/21/2013 Senate—Introduced—SJ 364
 03/21/2013 Senate—Adopted without roll call—SJ 365
 03/22/2013 Senate—Enrolled on Friday, March 22, 2013—SJ 384
- S 1739** Resolution by Senators King, Abrams, Knox, Masterson
Congratulating the 1953 El Dorado Junior College basketball team on the 60th anniversary of winning the NJCAA title.
 03/25/2013 Senate—Introduced—SJ 393
 03/25/2013 Senate—Adopted without roll call—SJ 394
 03/27/2013 Senate—Enrolled on Wednesday, March 27, 2013—SJ 488
- S 1740** Resolution by Senator Kelly
Congratulating Rod Garman for being named Kansas Elementary School Principal of the Year.
 03/26/2013 Senate—Introduced—SJ 421
 03/26/2013 Senate—Adopted without roll call—SJ 422
 03/27/2013 Senate—Enrolled on Wednesday, March 27, 2013—SJ 488
- S 1741** Resolution by Senator King
Congratulating the many accomplishments of Jim Halsey.
 03/26/2013 Senate—Introduced—SJ 423
 03/26/2013 Senate—Adopted without roll call—SJ 424
 03/27/2013 Senate—Enrolled on Wednesday, March 27, 2013—SJ 488
- S 1742** Resolution by Senators V. Schmidt, Masterson
Recognizing March 26th as American Diabetes Association Alert Day.
 03/26/2013 Senate—Introduced—SJ 422
 03/26/2013 Senate—Adopted without roll call—SJ 423
 03/27/2013 Senate—Enrolled on Wednesday, March 27, 2013—SJ 488
- S 1743** Resolution by Senator Ostmeyer
Congratulating the Hoxie High School women's basketball team on its class 1A state championship.
 04/05/2013 Senate—Introduced—SJ 702
 04/05/2013 Senate—Adopted without roll call—SJ 703
 04/05/2013 Senate—Enrolled on Friday, April 05, 2013—SJ 704
- S 1744** Resolution by Senators Petersen, Donovan, Faust-Goudeau, Kerschen, McGinn, O'Donnell, V. Schmidt, Wagle

- Congratulating the Wichita South High School women's basketball team on its class 6A state championship.**
 04/01/2013 Senate—Introduced—SJ 491
 04/01/2013 Senate—Adopted without roll call—SJ 492
 04/02/2013 Senate—Enrolled on Tuesday, April 02, 2013—SJ 512
S 1745 Resolution by Senators Petersen, Donovan, Faust-Goudeau, Kerschen, McGinn, O'Donnell, Wagle
- Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.**
 04/01/2013 Senate—Introduced—SJ 492
 04/01/2013 Senate—Adopted without roll call—SJ 492
 04/02/2013 Senate—Enrolled on Tuesday, April 02, 2013—SJ 512
S 1746 Resolution by Senator Emler
- Honoring the life of former Kansas state senator, Jack Janssen.**
 04/02/2013 Senate—Introduced—SJ 507
 04/02/2013 Senate—Adopted without roll call—SJ 508
 04/04/2013 Senate—Enrolled on Thursday, April 04, 2013—SJ 573
S 1747 Resolution by Senators Petersen, Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petey, Pilcher-Cook, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf
- Recognizing the Boy Scouts of America for the public service it performs.**
 04/02/2013 Senate—Introduced—SJ 508
 04/02/2013 Senate—Adopted without roll call—SJ 509
 04/04/2013 Senate—Enrolled on Thursday, April 04, 2013—SJ 573
S 1748 Resolution by Senators Wolf, Francisco
- Recognizing Mark Allen for his instrumental work in returning Dr. Naismith's original rules of basketball back to Kansas.**
 04/03/2013 Senate—Introduced—SJ 540
 04/03/2013 Senate—Adopted without roll call—SJ 541
 04/04/2013 Senate—Enrolled on Thursday, April 04, 2013—SJ 573
S 1749 Resolution by Senator Knox
- Congratulating the Burlington High School women's basketball team on its class 3A state championship.**
 04/03/2013 Senate—Introduced—SJ 541
 04/03/2013 Senate—Adopted without roll call—SJ 542
 04/04/2013 Senate—Enrolled on Thursday, April 04, 2013—SJ 573
S 1750 Resolution by Senators Hawk, Love
- Congratulating and commending Kansas State University quarterback Collin Klein for his achievements on and off the football field.**
 04/03/2013 Senate—Introduced—SJ 539
 04/03/2013 Senate—Adopted without roll call—SJ 540
 04/04/2013 Senate—Enrolled on Thursday, April 04, 2013—SJ 573
S 1751 Resolution by Senator Emler
- Commemorating the 10th Anniversary of the Armenia-Kansas partnership.**
 04/03/2013 Senate—Introduced—SJ 542
 04/03/2013 Senate—Adopted without roll call—SJ 543
 04/04/2013 Senate—Enrolled on Thursday, April 04, 2013—SJ 573
S 1752 Resolution by Senator Tyson

- Congratulating the Ottawa High School men's basketball team on its class 4A state championship.**
 04/04/2013 Senate—Introduced—SJ 571
 04/04/2013 Senate—Adopted without roll call—SJ 572
 04/05/2013 Senate—Enrolled on Friday, April 05, 2013—SJ 704
- S 1753 Resolution by Senators Love, Hensley, Kelly, V. Schmidt
Congratulating and commending Washburn alumni Michael Wilhoite and Cary Williams for competing in the 2013 Super Bowl, and the leadership of Washburn Head Football Coach Craig Schurig.
 04/04/2013 Senate—Introduced—SJ 570
 04/04/2013 Senate—Adopted without roll call—SJ 571
 04/05/2013 Senate—Enrolled on Friday, April 05, 2013—SJ 704
- S 1754 Resolution by Senator Emler
Congratulating the McPherson High School women's volleyball team on its class 4A state championship.
 04/04/2013 Senate—Introduced—SJ 574
 04/04/2013 Senate—Adopted without roll call—SJ 575
 04/05/2013 Senate—Enrolled on Friday, April 05, 2013—SJ 704
- S 1755 Resolution by Senator Longbine
Congratulating Emporia State University's debate team on winning the National Debate Tournament and the Cross Examination Debate Association national tournament.
 05/08/2013 Senate—Introduced—SJ 848
 05/08/2013 Senate—Adopted without roll call—SJ 849
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1756 Resolution by Senator Hensley
Memorializing the life of Ivan Wyatt.
 05/08/2013 Senate—Introduced—SJ 849
 05/08/2013 Senate—Adopted without roll call—SJ 849
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1757 Resolution by Senator Haley
Recognizing the abuse of prescription drugs as a statewide and national problem.
 05/09/2013 Senate—Introduced—SJ 851
 05/09/2013 Senate—Adopted without roll call—SJ 852
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1758 Resolution by Senators Hensley, Kelly, V. Schmidt
Honoring the lives of the two Topeka Police Officers killed in the line of duty.
 05/10/2013 Senate—Introduced—SJ 854
 05/10/2013 Senate—Adopted without roll call—SJ 855
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
 06/20/2013 Senate—Enrolled on Thursday, June 20, 2013—SJ 1488
- S 1759 Resolution by Senators Hensley, Kelly, V. Schmidt
Congratulating Topeka Mayor Bill Bunten on his retirement.
 05/10/2013 Senate—Introduced—SJ 855
 05/10/2013 Senate—Adopted without roll call—SJ 856
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1760 Resolution by Senators Hensley, Kelly, V. Schmidt
Congratulating Ted Ensley on his retirement from the Shawnee County Commission.

- 05/10/2013 Senate—Introduced—SJ 856
 05/10/2013 Senate—Adopted without roll call—SJ 857
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1761** Resolution by Senator Apple
Honoring David Miller for his 24 year career as Miami County Attorney.
 05/10/2013 Senate—Introduced—SJ 857
 05/10/2013 Senate—Adopted without roll call—SJ 857
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1762** Resolution by Senators Kelly, Hensley, V. Schmidt
Congratulating the Hayden Catholic High School Girls' and Boys' soccer teams on their class 4-1A state championships.
 05/10/2013 Senate—Introduced—SJ 857
 05/10/2013 Senate—Adopted without roll call—SJ 858
 05/13/2013 Senate—Enrolled on Monday, May 13, 2013—SJ 875
- S 1763** Resolution by Senator Apple
Congratulating Dylan Thomas York on his 13 year record of perfect school attendance.
 05/17/2013 Senate—Introduced—SJ 926
 05/17/2013 Senate—Adopted without roll call—SJ 927
 05/20/2013 Senate—Enrolled on Monday, May 20, 2013—SJ 930
- S 1764** Resolution by Senator Bruce
Celebrating Joe Hefner's 90th birthday and thanking him for his service to the Kansas Senate.
 05/17/2013 Senate—Introduced—SJ 927
 05/17/2013 Senate—Adopted without roll call—SJ 927
 05/20/2013 Senate—Enrolled on Monday, May 20, 2013—SJ 930
- S 1765** Resolution by Senator Haley
Congratulating Sumner Academy of Arts and Sciences on being ranked the #1 academic high school in Kansas.
 05/21/2013 Senate—Introduced—SJ 931
 05/21/2013 Senate—Adopted without roll call—SJ 932
 05/22/2013 Senate—Enrolled on Wednesday, May 22, 2013—SJ 934
- S 1766** Resolution by Senators Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf
Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
 05/23/2013 Senate—Introduced—SJ 936
 05/23/2013 Senate—Adopted without roll call—SJ 936
 05/24/2013 Senate—Enrolled on Friday, May 24, 2013—SJ 1004
- S 1767** Resolution by Senators Holmes, Abrams, Arpke, Fitzgerald, Knox, LaTurner, Love, Lynn, Masterson, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, Smith, Tyson
Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.
 05/24/2013 Senate—Introduced—SJ 1002
 05/24/2013 Senate—Adopted without roll call—SJ 1003
 05/31/2013 Senate—Enrolled on Friday, May 31, 2013—SJ 1015

- S 1768** Resolution by Senators Hawk, Abrams, Hensley, Kerschen, Knox, Tyson
Congratulating Kansas State University on a successful year in inter-collegiate athletics.
 05/30/2013 Senate—Introduced—SJ 1011
 05/30/2013 Senate—Adopted without roll call—SJ 1011
 05/31/2013 Senate—Enrolled on Friday, May 31, 2013—SJ 1015
- S 1769** Resolution by Senator Bowers
Recognizing the success of the STARBASE program in Kansas.
 05/28/2013 Senate—Introduced—SJ 1005
 05/28/2013 Senate—Adopted without roll call—SJ 1006
 05/31/2013 Senate—Enrolled on Friday, May 31, 2013—SJ 1015
- S 1770** Resolution by Senators Haley, Faust-Goudeau
congratulating and commending Senator Ulysses Lee "Rip" Gooch.
 06/01/2013 Senate—Introduced—SJ 1036
 06/01/2013 Senate—Adopted without roll call—SJ 1037
 06/17/2013 Senate—Enrolled on Tuesday, June 04, 2013—SJ 1488
- S 1771** Resolution by Senator Francisco
Congratulating the 2013 University of Kansas women's track and field team on being named NCAA Team Champions.
 06/20/2013 Senate—Introduced—SJ 1483
 06/20/2013 Senate—Adopted without roll call—SJ 1484
 06/20/2013 Senate—Enrolled on Thursday, June 20, 2013—SJ 1488

TITLE AND HISTORY OF EXECUTIVE REORGANIZATION ORDERS

- ERO 42** Executive Reorganization Order No. 42 by Governor Brownback
Transferring the facilities and programs administered by the Juvenile Justice Authority to the Department of Corrections.
01/22/2013 Senate—Received
01/22/2013 Senate—Introduced and read by title—SJ 66
01/23/2013 Senate—Referred to Committee on Judiciary—SJ 73
06/20/2013 Senate—Time limit for action expired; ERO becomes effective July 1, 2013.

FINAL
SENATE CALENDAR

No. 73

JANUARY 14, 2013 THROUGH ADJOURNMENT JUNE 20, 2013

NUMERICAL SCHEDULE OF SENATE BILLS

1 Signed, St Bk	33 Eth/Elec/Local Gov	65 Eth/Elec/Local Gov
2 H Gen Orders	34 H Fed & St Affairs	66 Judiciary
3 Pub H & Wel	35 H Energy & Env	67 Pub H & Wel
4 Judiciary	Sub	68 Signed, St Bk
5 Commerce	36 H Gen Orders	69 Signed, St Bk
6 Judiciary	37 Veto Sustained	Sub
7 H Gen Orders	38 Eth/Elec/Local Gov	70 Rejected, House
8 H Judiciary	39 Judiciary	71 Fin Inst & Ins
9 Pub H & Wel	40 H Corr & Juv Jus	72 H Taxation
10 Fed & St Aff	41 Rejected, House	73 Rejected, House
11 Eth/Elec/Local Gov	42 H Judiciary	74 Signed, St Bk
12 Eth/Elec/Local Gov	43 Nat Resources	75 Signed, St Bk
13 Eth/Elec/Local Gov	44 Education	76 Ways & Means
14 Eth/Elec/Local Gov	45 H Gen Orders	77 Judiciary
15 Assess & Tax	46 H Health/Hum	78 Gen Orders
16 Signed, St Bk	47 Judiciary	79 Gen Orders
17 Judiciary	48 Commerce	80 H Judiciary
H Sub	49 Rejected, House	81 Signed, St Bk
18 H Judiciary	50 Nat Resources	82 Died, Fin Action
19 H Corr & Juv Jus	51 Signed, St Bk	H Sub
20 Signed, St Bk	52 Signed, St Bk	83 Signed,
21 Signed, St Bk	53 Commerce	Pub 4/25/13
H Sub	54 Fed & St Aff	H Sub
22 H Educ	55 Assess & Tax	84 Conf Com
23 Signed, St Bk	56 Signed, St Bk	85 Signed, St Bk
24 Signed, St Bk	Sub	86 Agriculture
25 Signed, St Bk	57 Signed, St Bk	87 Gen Orders
26 Rejected, House	58 Signed, St Bk	88 Signed, St Bk
27 Signed, St Bk	59 Signed, St Bk	89 Judiciary
28 Signed,	60 H Judiciary	90 Judiciary
Pub 4/11/13	61 Rejected, House	91 H Taxation
29 Judiciary	62 Signed, St Bk	92 Rejected, House
30 Fin Inst & Ins	63 Conf Com	93 Commerce
31 Commerce	H Sub	94 Judiciary
32 Ways & Means	64 Rejected, House	95 Pub H & Wel

96 Signed, St Bk	135 Signed, St Bk	172 Education
97 Eth/Elec/Local Gov	136 Signed, St Bk	173 Ways & Means
98 Eth/Elec/Local Gov	137 Education	174 Education
99 Eth/Elec/Local Gov	138 Fin Inst & Ins	175 Pub H & Wel
100 Rejected, House	139 Signed, St Bk	176 H Education
101 Transportation	140 Fed & St Aff	177 Rejected, House
102 Signed,	141 H Gen Orders	178 Education
Pub 4/25/13	142 Signed, St Bk	179 Commerce
103 Education	143 Eth/Elec/Local Gov	180 Ways & Means
104 H Education	144 Ways & Means	181 H Taxation
105 Education	145 Eth/Elec/Local Gov	182 Assess & Tax
106 Gen Orders	146 Agriculture	183 Assess & Tax
107 H Health/Hum	147 H Gen Orders	184 Fed & St Aff
108 Eth/Elec/Local Gov	148 Fed & St Aff	185 Pub H & Wel
109 Eth/Elec/Local Gov	149 Signed, St Bk	186 Fed & St Aff
110 Ways & Means	150 Eth/Elec/Local Gov	187 Signed
111 Signed,	151 Eth/Elec/Local Gov	Pub 4/25/13
Pub 4/25/13	152 H Insurance	188 Assess & Tax
112 Fed & St Aff	153 Nat Resources	189 Gen Orders
113 Signed, St Bk	154 Utils	190 Judiciary
114 Fed & St Aff	155 Fed & St Aff	191 Nat Resources
115 Commerce	156 Eth/Elec/Local Gov	192 Fin Inst & Ins
116 Commerce	157 Fed & St Aff	193 Utils
117 H Pen & Benefit	158 Fed & St Aff	194 Pub H & Wel
118 Signed, St Bk	159 Pub H & Wel	195 Commerce
119 Eth/Elec/Local Gov	160 Pub H & Wel	196 Education
120 Signed, St Bk	161 Pub H & Wel	197 Pub H & Wel
121 H Approp	162 Gen Orders	198 Commerce
122 Signed, St Bk	163 Rejected, House	199 Signed, St Bk
123 Judiciary	164 Signed, St Bk	200 Judiciary
124 Signed,	Sub	201 Education
Pub 4/18/13	165 H Taxation	Sub
125 H Judiciary	166 Signed,	202 Gen Orders
126 Judiciary	Pub 4/18/13	203 H Gen Orders
127 Utils	H Sub	204 Ways & Means
128 Signed, St Bk	167 H Gen Orders	205 Ways & Means
129 Signed, St Bk	168 Signed, St Bk	206 Ways & Means
130 Eth/Elec/Local Gov	169 Education	207 Transportation
131 Education	170 Eth/Elec/Local Gov	208 Fed & St Aff
132 Education	171 Signed, Line Item	209 Fed & St Aff
133 Education	Vetoed, Sustained	210 H Health/Hum
134 Ways & Means	Pub 6/20/13	211 Eth/Elec/Local Gov

212 Gen Orders	223 Nat Resources	235 H Taxation
213 Transportation Sub	224 Education	236 Pub H & Wel
214 H Fed & St Aff	225 Utils	237 Ways & Means
215 Fed & St Aff	H Sub	238 Assess & Tax
216 Signed, Pub 4/11/13	226 H Gen Orders	239 Assess & Tax
217 Pub H & Wel	227 Fed & St Aff	240 Assess & Tax
218 H Approp	228 Judiciary	241 Ways & Means
219 Pub H & Wel	229 Assess & Tax	242 Fin Inst & Ins
220 Fed & St Aff	230 Agriculture	243 Fed & St Aff
221 Fed & St Aff	231 H Taxation	244 Fed & St Aff
222 H Taxation	232 Gen Orders	245 H Approp
	233 Fin Inst & Ins	246 Signed, St Bk
	234 Gen Orders	247 Ways & Means

NUMERICAL SCHEDULE OF

SENATE CONCURRENT RESOLUTIONS 2013 SESSION

1601 H Judiciary	1606 Adopted & Enr	1611 Adopted & Enr
1602 Eth/Elec/Loc Gov	1607 Eth/Elec/Loc Gov	1612 Fed & St Aff
1603 Adopted & Enr	1608 H Judiciary	1613 Fed & St Aff
1604 Adopted & Enr	1609 Commerce	1614 Adopted & Enr
1605 Judiciary	1610 Eth/Elec/Loc Gov	

NUMERICAL SCHEDULE OF SENATE RESOLUTIONS 2013 SESSION

1701 Adopted & Enr	1721 Adopted & Enr	1741 Adopted & Enr
1702 Adopted & Enr	1722 Adopted & Enr	1742 Adopted & Enr
1703 Adopted & Enr	1723 Adopted & Enr	1743 Adopted & Enr
1704 Adopted & Enr	1724 Adopted & Enr	1744 Adopted & Enr
1705 Adopted & Enr	1725 Adopted & Enr	1745 Adopted & Enr
1706 Adopted & Enr	1726 Adopted & Enr	1746 Adopted & Enr
1707 Adopted & Enr	1727 Adopted & Enr	1747 Adopted & Enr
1708 Adopted & Enr	1728 Adopted & Enr	1748 Adopted & Enr
1709 Adopted & Enr	1729 Adopted & Enr	1749 Adopted & Enr
1710 Died, Committee	1730 Adopted & Enr	1750 Adopted & Enr
1711 Adopted & Enr	1731 Adopted & Enr	1751 Adopted & Enr
1712 Adopted & Enr	1732 Adopted & Enr	1752 Adopted & Enr
1713 Adopted & Enr	1733 Adopted & Enr	1753 Adopted & Enr
1714 Adopted & Enr	1734 Adopted & Enr	1754 Adopted & Enr
1715 Adopted & Enr	1735 Adopted & Enr	1755 Adopted & Enr
1716 Adopted & Enr	1736 Adopted & Enr	1756 Adopted & Enr
1717 Adopted & Enr	1737 Adopted & Enr	1757 Adopted & Enr
1718 Adopted & Enr	1738 Adopted & Enr	1758 Adopted & Enr
1719 Adopted & Enr	1739 Adopted & Enr	1759 Adopted & Enr
1720 Adopted & Enr	1740 Adopted & Enr	1760 Adopted & Enr

1761 Adopted & Enr	1765 Adopted & Enr	1769 Adopted & Enr
1762 Adopted & Enr	1766 Adopted & Enr	1770 Adopted & Enr
1763 Adopted & Enr	1767 Adopted & Enr	1771 Adopted & Enr
1764 Adopted & Enr	1768 Adopted & Enr	

**SENATE ACTION ON
EXECUTIVE REORGANIZATION ORDERS
2013 SESSION**

ERO 42 No action taken to disapprove by the Senate

**SENATE ACTION ON HOUSE BILLS
2013 SESSION**

Sub	2047 Assess & Tax	2099 Fin Inst & Ins
2002 Fed & St Aff	2049 CCR Adopted	2101 Utils
2006 Passed	2050 Agriculture	Sub
2007 Passed	S Sub	2105 CCR Adopted
2009 CCR Adopted	Sub	2106 Passed
S Sub	2051 Passed	2107 CCR Adopted
2011 Pass Am, H Con	S Sub	2109 CCR Adopted
2012 Passed	2052 CCR Adopted	2112 Eth/Elec/Loc Gov
2013 Passed	S Sub	2114 Gen Orders
2014 Gen Orders	2055 Killed, Fin Act	2115 CCR Adopted
2015 CCR Adopted	2057 Assess & Tax	2118 Gen Orders
Sub	2058 Assess & Tax	2120 CCR Adopted
2017 CCR Adopted	2059 CCR Adopted	2122 Gen Orders
2019 Passed	2060 Passed	2125 Gen Orders
S Sub	2065 Judiciary	2128 Pass Am, H Con
2022 Pass Am, H Con	2066 Passed	2130 Eth/Elec/Loc Gov
2023 Commerce	2067 Gen Orders	2135 Passed
Sub	2069 Pass Am, H Con	2138 Passed
2024 CCR Adopted	2070 Judiciary	2139 Pass Am, H Con
2025 CCR Adopted	2074 Eth/Elec/Loc Gov	S Sub
2028 Pass Am, H Con	2075 Eth/Elec/Loc Gov	2140 CCR Adopted
2030 Passed	S Sub	S Sub
2033 CCR Adopted	2077 Gen Orders	2141 Gen Orders
S Sub	2078 CCR Adopted	2142 Gen Orders
2034 CCR Adopted	2081 CCR Adopted	S Sub
2035 Commerce	2083 Passed	2143 Pass Am
S Sub	2084 Pass Am	2144 Passed
2037 Gen Orders	2086 Commerce	S Sub
2041 Passed	2091 Eth/Elec/Loc Gov	2145 Gen Orders
2042 Assess & Tax	S Sub	2146 Pub H & Wel
Sub	2093 CCR Adopted	2147 Passed
2043 CCR Adopted	2094 Education	2148 Gen Orders
2044 Passed	2096 Passed	2149 Pass Am, H Con

S Sub	2200 Passed	2272 Gen Orders
2150 Pass Am, H Con	2201 CCR Adopted	2278 Passed
2151 Gen Orders	2202 Passed	2280 Education
2152 Fin Inst & Ins	2203 Pass Am, H Con	2294 Passed
2153 Gen Orders	2204 CCR Adopted	2296 Eth/Elec/Loc Gov
S Sub	2205 Passed	2298 Judiciary
2154 Gen Orders	Sub	2302 Passed
S Sub	2207 Pass Am, H Con	2303 CCR Adopted
2155 Gen Orders	2209 Gen Orders	2305 Pass Am, H Con
2156 Passed	2210 Eth/Elec/Loc Gov	2312 Fin Inst & Ins
2160 Passed	2212 Passed	2318 Pass Am, H Con
2162 CCR Adopted	2213 CCR Adopted	2319 CCR Adopted
2163 Passed	2216 CCR Adopted	2322 Passed
2164 CCR Adopted	2217 Passed	2326 Passed
Sub	2218 CCR Adopted	2338 Ways & Means
2166 Gen Orders	2221 Passed	2339 CCR Adopted
S Sub	2222 Education	2343 Gen Orders
2167 Pass Am, H Con	2228 Passed	2349 Pass Am, H Con
2169 Passed	Sub	2352 Gen Orders
2170 Pass Am, H Con	2231 Ways & Means	2353 Passed
2172 Commerce	2234 CCR Adopted	2357 Pass Am, H Con
2176 Passed	2244 Assess & Tax	2363 CCR Adopted
2177 Passed	2249 CCR Adopted	2368 Passed
2179 Gen Orders	2252 Passed	2377 Ways & Means
2181 Passed	2253 CCR Adopted	2378 Assess & Tax
2182 Judiciary	2255 Gen Orders	2381 Ways & Means
Sub	2259 Judiciary	2387 Judiciary
2183 CCR Adopted	2261 CCR Adopted	2389 Judiciary
2185 Eth/Elec/Loc Gov	Sub	S Sub
2193 Passed	2262 Ways & Means	2391 Pass Am
2195 Ways & Means	2267 Assess & Tax	2396 Ways & Means
2197 Education	2269 Passed	2403 Gen Orders
S Sub		
2199 CCR Adopted		

**SENATE ACTION ON HOUSE CONCURRENT RESOLUTIONS
2013 SESSION**

5001 Adopted	5015 Adopted	5018 Adopted
5014 Utils	5017 Adopted	

SENATE BILLS CARRIED OVER TO 2014 SESSION

2 H Gen Orders	60 H Judiciary	126 Judiciary
3 Pub H & Wel	63 Conf Com	127 Utils
4 Judiciary	65 Eth/Elec/Local Gov	130 Eth/Elec/Local Gov
5 Commerce	66 Judiciary	131 Education
6 Judiciary	67 Pub H & Wel	132 Education
7 H Gen Orders	71 Fin Inst & Ins	133 Education
8 H Judiciary	72 H Taxation	134 Ways & Means
9 Pub H & Wel	76 Ways & Means	137 Education
10 Fed & St Aff	77 Judiciary	138 Fin Inst & Ins
11 Eth/Elec/Local Gov	78 Gen Orders	140 Fed & St Aff
12 Eth/Elec/Local Gov	79 Gen Orders	141 H Gen Orders
13 Eth/Elec/Local Gov	80 H Judiciary	143 Eth/Elec/Local Gov
14 Eth/Elec/Local Gov	H Sub	144 Ways & Means
15 Assess & Tax	84 Conf Com	145 Eth/Elec/Local Gov
17 Judiciary	86 Agriculture	146 Agriculture
H Sub	87 Gen Orders	147 H Gen Orders
18 H Judiciary	89 Judiciary	148 Fed & St Aff
19 H Corr & Juv Jus	90 Judiciary	150 Eth/Elec/Local Gov
H Sub	91 H Taxation	151 Eth/Elec/Local Gov
22 H Educ	93 Commerce	152 H Insurance
29 Judiciary	94 Judiciary	153 Nat Resources
30 Fin Inst & Insur	95 Pub H & Wel	154 Utils
31 Commerce	97 Eth/Elec/Local Gov	155 Fed & St Aff
32 Ways & Means	98 Eth/Elec/Local Gov	156 Eth/Elec/Local Gov
33 Eth/Elec/Local Gov	99 Eth/Elec/Local Gov	157 Fed & St Aff
34 H Fed & St Affairs	101 Transportation	158 Fed & St Aff
35 H Energy & Env	103 Education	159 Pub H & Wel
S Sub	104 H Education	160 Pub H & Wel
36 H Gen Orders	105 Education	161 Pub H & Wel
38 Eth/Elec/Local Gov	106 Gen Orders	162 Gen Orders
39 Judiciary	107 H Health/Hum	Sub
40 H Corr & Juv Jus	108 Eth/Elec/Local Gov	165 H Taxation
42 H Judiciary	109 Eth/Elec/Local Gov	H Sub
43 Nat Resources	110 Ways & Means	167 H Gen Orders
44 Education	112 Fed & St Aff	169 Education
45 H Gen Orders	114 Fed & St Aff	170 Eth/Elec/Local Gov
46 H Health/Hum	115 Commerce	172 Education
47 Judiciary	116 Commerce	173 Ways & Means
48 Commerce	117 H Pen & Benefit	174 Education
50 Nat Resources	119 Eth/Elec/Local Gov	175 Pub H & Wel
53 Commerce	121 H Approp	176 H Education
54 Fed & St Aff	123 Judiciary	178 Education
55 Assess & Tax	125 H Judiciary	179 Commerce

180 Ways & Means	204 Ways & Means	H Sub
181 H Taxation	205 Ways & Means	226 H Gen Orders
182 Assess & Tax	206 Ways & Means	227 Fed & St Aff
183 Assess & Tax	207 Transportation	228 Judiciary
184 Fed & St Aff	208 Fed & St Aff	229 Assess & Tax
185 Pub H & Wel	209 Fed & St Aff	230 Agriculture
186 Fed & St Aff	210 H Health/Hum	231 H Taxation
188 Assess & Tax	211 Eth/Elec/Local Gov	232 Gen Orders
189 Gen Orders	212 Gen Orders	233 Fin Inst & Ins
190 Judiciary	213 Transportation	234 Gen Orders
191 Nat Resources	Sub	235 H Taxation
192 Fin Inst & Ins	214 H Fed & St Aff	236 Pub H & Wel
193 Utils	215 Fed & St Aff	237 Ways & Means
194 Pub H & Wel	217 Pub H & Wel	238 Assess & Tax
195 Commerce	218 H Approp	239 Assess & Tax
196 Education	219 Pub H & Wel	240 Assess & Tax
197 Pub H & Wel	220 Fed & St Aff	241 Ways & Means
198 Commerce	221 Fed & St Aff	242 Fin Inst & Ins
200 Judiciary	222 H Taxation	243 Fed & St Aff
201 Education	223 Nat Resources	244 Fed & St Aff
Sub	224 Education	245 H Approp
202 Gen Orders	225 Utils	247 Ways & Means
203 H Gen Orders		

**SENATE CONCURRENT RESOLUTIONS
CARRIED OVER TO 2014 SESSION**

1601 H Judiciary	1607 Eth/Elec/Loc Gov	1610 Eth/Elec/Loc Gov
1602 Eth/Elec/Loc Gov	1608 H Judiciary	1612 Fed & St Aff
1605 Judiciary	1609 Commerce	1613 Fed & St Aff

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills

Senate bills introduced in the 2013 session.....	247
Senate bills signed by Governor.....	47
(H Sub SB 171 contains line item vetoes)	
Senate bills vetoed by the Governor	1
(SB 37)	
Senate bills killed in Senate	1
Senate bills killed in House.....	11
Senate bills carried over to 2014 Session.....	<u>187</u>
Senate bills in Senate Committees.....	137
Senate bills in House Committees.....	29
Senate bills on Senate Calendar.....	10
Senate bills on House Calendar.....	9
Senate bills in Conference Committee.....	2
(SB 63 and H Sub for SB 84)	
TOTAL.....	247

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2013 session.....	14
Senate concurrent resolutions adopted by both houses.....	5
Senate concurrent resolutions killed in Senate.....	0
Senate concurrent resolutions carried over to 2014 Session.....	<u>9</u>
Senate concurrent resolutions in Senate Committees.....	7
Senate concurrent resolutions in House Committees.....	2
TOTAL.....	14

Senate Resolutions

Senate resolutions introduced in 2013 Session.....	71
Senate resolutions adopted.....	70
Senate resolutions killed in Senate.....	0
Senate resolutions that died on Senate Calendar.....	0
Senate resolutions that died in Senate Committees.....	<u>1</u>
TOTAL.....	71

STATUS OF BILLS AND RESOLUTIONS

Senate bills signed by the Governor: Nos. 1, 16, 20, 21, 23, 24, 25, 27, 28, 51, 52, 56, Sub 57, 58, 59, 62, 68, 69, 74, 75, 81, H Sub 83, 85, 88, 96, 102, 111, 113, 118, 120, 122, 124, 128, 129, 135, 136, 139, 142, 149, 164, 166, 168, 187, 199, 216, 246

Senate bills published in Kansas register: Nos. 28, H Sub 83, 102, 111, 124, 166, 171, 187, 216

Senate bills vetoed by Governor: No. 37

Senate bills line-item vetoed by Governor: No. 171

Senate resolutions adopted: Nos. 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771

Senate concurrent resolutions adopted by both Houses: Nos. 1603, 1604, 1606, 1611, 1614

Senate bills killed: Nos. 26, 41, 49, 61, H Sub 64, Sub 70, 73, 82, 92, 100, 163, 177

Senate bills in conference: Nos. 63, H Sub for 84

**APPOINTMENTS, COMMUNICATIONS, CONFIRMATIONS, MESSAGES
FROM THE GOVERNOR, SPECIAL EVENTS AND GUESTS
2013 SENATE JOURNAL**

APPOINTMENTS

Deputy Assistant Secretary of State Rucker appointed Diane Minear to serve as temporary Secretary of the Senate, page 3.

SR 1701, relating to the organization of the Senate and appointments of the president, vice president, majority leader, minority leader, secretary and sergeant at arms, page 10.

SR 1702, relating to assignment of seats of the Senate, page 11.

The Reverend Donald Davidson with St. David's Episcopal Church, Topeka, to serve as Chaplain of the Senate, page 49.

Vice President King announced the appointment of Senator Masterson to the Rules Committee, page 54.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of the Senate, Diane Minear, has received the following communications during the interim since adjournment of the 2012 Regular Session of the Legislature:

State of Utah provided an enrolled copy of a Joint Legislative Resolution on Federal Transfer of Public lands from the 2012 General Legislative Session, page 20.

State of New Hampshire provided a copy of House Concurrent Resolution 40 petitioning the Congress of the United States to adopt an amendment to the Constitution of the United States that the federal budget be balanced. Also, House Concurrent Resolution 42 supporting the preservation of the Electoral College. Also, House Resolution 21 requiring the Congress of the United States of America to reaffirm its adherence to the Constitution of the United States regarding international agreements and treaties, page 20.

Office of the State Fire Marshal submitted a report on the effectiveness of K.S.A. 31-603 and legislative recommendations to improve the effectiveness of the Fire Safety Standard and Firefighter Protection Act, K.S.A. 31-601 et seq., page 20.

Department of Administration submitted the 58th Annual Financial Report of the State of Kansas for the fiscal year ending June 30, 2011, page 20.

The Attorney General submitted the 2010 Annual Report of the Crime Victims Compensation Board, page 20.

The Johnson County Education Research Triangle Authority, Ed Eilert, Chairman, submitted its annual report concerning the financial activities of the authority, page 20.

The Attorney General submitted the 2012 Annual Report of the Crime Victims Compensation Board, page 20.

The Kansas Department of Health and Environment submitted the Treece Relocation Assistance Project Monthly Expenditure/Income Report for the October 2012 reporting period in accordance with K.S.A. 49-5120(h), page 20.

The Kansas Department of Corrections submitted the Annual Report for the Prisoner Review Board, page 21.

The Attorney General submitted the 2012 Kansas State Child Death Review Board Annual Report, page 21.

The Kansas Health Information Exchange Board of Directors submitted their first annual report, page 21.

The Kansas Public Employees Retirement System submitted the 2012 Comprehensive Annual Financial Report, page 21.

The Justice Reinvestment Retirement System submitted the 2013 Report, page 21.

The Pooled Money Investment Board submitted their Annual Report for Fiscal Year 2012, page 21.

The Kansas State Treasurer's Office submitted the 2011 Annual Report for the Treasurer's Office, page 21.

Secretary of the Senate Diane Minear submitted the following communications received from Governor Sam Brownback since adjournment of the 2012 Regular Session of the Legislature:

Executive Directives Nos. 12-430, 12-431, 12-432, 12-433, 12-434, 12-435, 12-436 and 12-437, all relating to Authorizing Personnel Transactions and Expenditure of Federal Funds, page 21.

Also, Executive Order No. 12-08, declaring a Drought Watch or Drought Warning replacing Executive Order 12-07 and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Watch, Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, page 21.

Executive Order No. 12-09, approving the June 2012 Operations Plan for the Governor's Drought Response Team and order implementation of the Operation Plan by the various state agency members of the Governor's Drought Response Team as stated in the Operations Plan, page 22.

Executive Order No. 12-10, declaring a Drought Warning or Drought Emergency and authorizing and directing all agencies under the jurisdiction of the Governor to implement the appropriate Warning or Emergency level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team, page 22.

Executive Order No. 12-11, declaring a state of emergency exists in Kansas and declaring it necessary to assist and expedite all disaster recovery efforts to provide assistance to the citizens of Kansas. This executive order supersedes Executive Order 12-06, page 22.

Kansas Attorney General Derek Schmidt submitted the 2012 annual report for the Abuse, Neglect and Exploitation Unit, page 50.

Kansas Attorney General Derek Schmidt submitted the Kansas Affordable Program Fiscal Year 2013 Financial Status Report, page 50.

Kansas Corporation Commission, Executive Director Patti Petersen-Klein, submitted a report on the Remediation Site Status Report and the Conservation Division Abandoned Oil & Gas Well Status Report, page 50.

Kansas Corporation Commission, Executive Director Patti Petersen-Klein submitted a copy of the 2013 Broadband Service Report, a summary of Broadband availability and adoption in Kansas as of June 30, 2011, page 50.

Kansas Corporation Commission, Patti Petersen-Klein, Executive Director and Jesse Borjon, Director of Public Affairs and Consumer Protection, submitted the annual report to the 2013 Legislature regarding Utilities and Common Carriers, Page 102.

Kansas Corporation Commission, Patti Petersen-Klein, Executive Director, submitted the Annual Price Deregulation Report, page 102.

Kansas Corporation Commission, Patti Petersen-Klein, Executive Director, Jeff McClanahan, Director Utilities Division, and Michael Wegner, Chief Energy Operations, submitted the 2013 Biennial Report on Electric Supply and Demand, page 102.

Kansas Attorney General Derek Schmidt reappointed Nan Porter to the Crime Victims Compensation Board, page 246.

Kansas Human Rights Commission, Executive Director, William V. Minner, submitted a copy of the Annual Report, Fiscal Year 2012, July 1, 2011-June 30, 2012, and reported the 60th anniversary of the Commission, page 851.

Kansas Department of Corrections, Ray Roberts, Secretary of Corrections, submitted the report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2010 through December 1, 2011, page 1001.

CONFIRMATION OF APPOINTMENTS

Consideration of confirmation of appointments, pages 51, 74, 75, 76, 77, 78, 79, 128, 171, 249, 509, 530, 544, 1037, 1038.

MESSAGES FROM THE GOVERNOR

Executive Reorganization Order No. 42, calls for the facilities and programs administered by the Juvenile Justice Authority to be transferred to the Department of Corrections, page 66.

Submitting for confirmation, Lana Gordon, Secretary, Kansas Department of Labor, page 82.

Executive Directive No. 13-438, Authorizing Expenditure of Federal Funds, page 127.

Submitting for confirmation, Paul Beck, State Board of Indigent Defense Services; Suchitra Padmanabhan, Kansas Development Finance Authority; Kelly Arnold, Kansas Public Employees' Retirement System Board of Trustees, page 137.

Submitting for confirmation, James Cusser, Kansas Development Finance Authority, Mission Hills, page 245.

Submitting for confirmation, Patrice Petersen-Klein, Kansas Development Finance Authority; Lois Cox, Kansas Public Employees' Retirement System Board of Trustees; Kevin Smith, State Board of Indigent Defense Services, page 265.

Executive Directive No. 13-439, April 29, 2013, Authorizing Expenditure of Federal Funds, page 848.

Executive Order 13-01, Conditional and Temporary Relief from Motor Carrier Rules and Regulations, page 1008.

Submitting for confirmation, Timothy Shultz, Kansas Racing and Gaming Commission; Susan Christopher, Civil Service Board, page 1010.

Veto message regarding **SB 37**, Kansas Home Inspectors, page 859. Veto sustained.

Executive Directives 13-440, Authorizing Personnel Transactions, and 13-441, Authorizing a Fund Transfer, June 20, 2013, page 1484.

Veto message regarding line item veto for **SB 171**, Appropriations for various agencies, page 1484. Veto sustained, page 1488.

SPECIAL EVENTS AND GUESTS

Deputy Secretary Rucker introduced the Honorable Eric S. Rosen, Justice of the Kansas Supreme Court, who administered the Oath of Office to the newly-elected Senators, page 3.

Senator Wagle introduced her family: her husband Tom, his mother Julia Wagle, her father, Willard Kratz, her mother, Linda Kratz, her daughter Julia and husband Riley Scott, their two children Olivia and Ben, her daughter Andrea and husband Mike Maas, her son John Wagle and wife Michelle, and her son Paul, page 6.

Senator Hensley introduced his family: his wife Deborah, his daughter Katie and her husband Jason Bivens, his granddaughter Brighton, and his mother, Georgina Webb, page 8.

Senator Wagle invited Archbishop Joseph Naumann, Metropolitan Archbishop of the Ecclesial Province of Kansas, to deliver the invocation, page 9.

Senator Wagle introduced former senators present in the chamber. They were Robert Tyson, Ross Doyan, Phil Journey, Ed Pugh, Nancy Harrington, Karen Brownlee, Nick Jordan and Jeff Colyer, page 10.

Senator Wagle introduced Dr. Christian Cupp, President of the Academy of Family Physicians, Scott City. The Academy sponsors the doctor of the day program and provides daily assistance for health concerns in the Capitol during the session, page 10.

Also recognized were Jody Kirkwood, Sergeant-at-Arms; Roger Zlatnik, Assistant Sergeant-at-Arms and George Sommers, Assistant Sergeant-at-Arms, page 10.

Second Lieutenant Don Cackler will again be representing the Kansas Highway Patrol in the Senate, page 10.

The new reader is Jan Lunn; introduction of the Secretary of the Senate's staff followed, page 10.

Senator Wagle introduced the new Senate Chaplain, Father Don Davidson with St. David's Episcopal Church in Topeka, page 49.

Senator Longbine rose on a Point of Privilege to recognize the Flint Hills Regional Leadership class from Geary, Riley and Pottawatomie counties, page 57.

Senator Haley rose on a Point of Personal Privilege in commemoration of the Dr. Martin Luther King Junior Holiday, page 61.

Senator Abrams introduced and congratulated the 2013 Kansas Teacher of the Year, Dyane Smokorowski, Andover; and the regional finalists: Ramie Allison, Haysville; Sarah Berblinger, Buhler; Sibyl "Sue" Commons, Baxter Springs; Judy Domke, Blue Valley; Scott Keltner, Eudora; Colleen Mitchell, Emporia; and Laura Moyers, Leavenworth, page 71.

Guest chaplain, Military Chaplain Lawrence C. Dennis CH (COL), Fort Riley, Kansas, page 73.

Senator Love rose on a Point of Personal Privilege to introduce the Rolla High School Scholar Bowl Team. Introduced were Chandler Huddleston, Taylor Cameron, Garry Norton, Chandler Burrows, Chris Hall, Head Coach and Mary Courtney, Assistant Coach, page 80.

Senator Wagle introduced Caleb McGinn, son of Senator Carolyn McGinn, to lead the body in the singing of the Kansas State song "Home on the Range", in recognition of Kansas Day, page 89.

Senator Love rose on a Point of Personal Privilege to recognize his former cross-country coach, Darrel Bryant and wife Jean, page 99.

Senator Smith introduced and congratulated the Shawnee Mission West High School Football Team on winning the 2012 Kansas 6A State football championship, page 103.

Senator Schmidt introduced and honored Joanne Budler, the Kansas State Librarian, for receiving the 2013 Librarian of the Year Award from the *Library Journal*. Her husband and staff were also guests, page 104.

Senator Wolf rose on a Point of Personal Privilege to acknowledge Prairie Village City Hall Day and recognized guests Ron Shaffer, Mayor; Brooke Morehead, Council member; Ruth Hopkins, Council member; Quinn Bennion, City Administrator; Dennis Enslinger, Assistant City Administrator; and Dale Warman, page 113.

Senator King rose on a Point of Personal Privilege to recognize Labette County Leadership Group, page 113.

Senators Francisco, Haley and Pettey introduced Dr. Roy Jensen with the University of Kansas Cancer Center, page 127.

Senator Bruce congratulated and commended the Vanguard Class, 2014 graduating class of the Kansas Academy of Mathematics and Science, page 148.

Senator Hawk introduced President Kirk Schulz, Jim Bloodgood, Nate Sprigg, Dale Belliam and Sue Peterson, commemorating the 150th anniversary of Kansas State University in Manhattan, Kansas, page 149.

Guest chaplain, Reverend Kathleen Whitmore, of the Lowman United Methodist Church, Topeka, page 158.

Senator Longbine acknowledged President Michael Shonrock and Vice President Brooke Smith, commemorating Emporia State University's Sesquicentennial, page 166.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce scholarship recipients, Amanda Johnson, senior at Northwest High School in Wichita and Kiah Duggins, senior at East High School in Wichita, page 170.

Senator Haley rose on a Point of Personal Privilege to introduce Unified Government Commissioner Ann Murguia, Wyandotte County/Kansas City, page 245.

Senator Hensley rose on a Point of Personal Privilege to recognize Lauren Tice, who received a Headliner Award by the Topeka Chapter of the Association for Women in Communications, page 247.

Guest chaplain, The Reverend Canon Craig William Loya, Canon to the Ordinary, The Episcopal Diocese of Kansas, Topeka, page 252.

Senator Wagle rose on a Point of Personal Privilege to recognize nominees for the Kansas Youth of the Year Award for the Boys and Girls Club of Kansas. Senator Wagle introduced Ajola Anaberokai, Lawrence; J'Shavon Hendricks, Topeka; Kiana Knolland, South Central Kansas; Peyton Peterson, Manhattan; Jamease Roberts, Hutchinson; Ebony Garrekk, Fort Riley Military Base; and Danielle Sigmon, Fort Leavenworth Military Base, page 253.

Senator Hensley congratulated Cletus Simons on his receipt of the French Legion of Honor medal. Introduced were Cletus' wife, Carmen and their children and spouses Gary Simons, Joe and Jan Simons, Pat and Sharon Simons, Carol and Frank Main, Tim and Beth Simons and others, page 261.

Guest chaplain, The Reverend Jill Jarvis, Unitarian Fellowship of Lawrence, page 264.

Senator Hensley congratulated Mary Torrence, Revisor of Statutes, on her retirement. Introduced were several members of Mary's family, including her husband, Steve Tallen, parents Elon and Lois Torrence, Joe and Darlene Pollom, Alan and Melody Pollom, Keith and Jane Brumley, Chuck Torrence, Mike, Holly and Kamryn Rohleder, page 291.

Senator O'Donnell rose on a Point of Personal Privilege to introduce Kathy Bond, Mrs. United States All World Beauties 2012. Also introduced was her husband, Gary, page 299.

Senator Faust-Goudeau introduced Sloane Lewis, Miss Kansas 2012, page 303.

Senator Holmes rose on a Point of Personal Privilege to introduce his daughter, Noelle, page 304.

Senator Love rose on a Point of Personal Privilege to recognize the students of Cimarron Christian School visiting the Senate, page 305.

Guest chaplain, The Reverend Kent L. Otott, North Central Kansas Teens for Christ, page 363.

Senator Kelly rose on a Point of Personal Privilege to introduce students who have recently earned their Eagle Scout award: Jesse Bargas, Ethan Schultz, Mike Devoe, and Alex Lee who were accompanied by members of their families, page 363.

Guest chaplain, The Reverend Kaye Metzler, Lincoln County United Methodist Churches, page 389.

Senator Haley rose on a Point of Personal Privilege to introduce Delta Sigma Theta sorority members, celebrating their Centennial Year, page 421.

Senator Kelly congratulated Rod Garman on being named Kansas Elementary School Principal of the Year. Also introduced were his wife, Kristen Garman, and sons Cooper and Janson. Also present were the Superintendent of Schools for the Seaman district and Seaman board members and district staff, page 421.

Senator King congratulated Jim Halsey on being inducted into the Kansas Music Hall of Fame. Also introduced were Rob Morgan, photographer and reporter for the Independence Daily Reporter; Mike Flood, President, Kansas Celebrity Hall of Fame; Ray Rothgeb, President, Independence Historical Museum; and, Debbie Puryear, Director of the Independence Convention and Visitors Bureau, page 423.

Senator Petersen introduced members of this year's Wichita South High School women's basketball team: Kendrian Elliott, Rachala Ross, Brionna Ross, Eledria Franklin, Ericka Mattingly, Ashlynd Horton, Princess Alcaraz, Kirea Rogers, Patricee Dodson, Madison Northcutt, Sydney James, and Kiera Broehl. The team managers were Ogechi Odunze, Datreona Tramble, Bri Russell, and Felicia Papamie, page 491.

Senator Petersen congratulated and introduced the Sedgwick County 4-H Shooting Sports Gold Team on first place. The team members were: Emma Klausmeyer, Ashley Pinkerton, Tessa Simon, Mary Klausmeyer, Olivia Santiago, Madison Frye and Derek Journey, page 492.

Senator Petersen introduced Mike Johnson, CEO, Quivira Council, Boy Scouts of America, page 508.

Senator Faust-Goudeau rose on a Point of Personal Privilege to introduce members of the Wichita NAACP and other representatives: Queen Mother, Edith Knox, A'Jay Scipio, Jaime Rogers, Kenya Cox, Kevin Andrews, Delmas White, Bett Townsend, Carla Jackson, Nathaniel Terrell, Janet Diggs, Vada Bower, Joan Williams and Darius Smith, page 514.

Senator Wagle introduced the Reverend Fred Holloman, former Senate Chaplain, who was visiting the Senate, page 535.

Senator Love introduced Collin Klein, Kansas State University quarterback, page 539.

Senator Wolf introduced Mark and Louise Allen for their instrumental work in returning Dr. Naismith's original rules of basketball back to Kansas, page 540.

Senator Knox introduced the Burlington Lady Cats women's basketball team: Haley Gilman, Sarah Pearson, Breanna Bluma, Jacquelyn O'Connor, Madison Stewart, Sydney Ledom, Madison Stadel, Alexa Dorcas, Malorie Wagner, Bailee Norton, Shelbi Emling, Mckayla Cole and Summer Kirchner, page 541.

Senator O'Donnell rose on a Point of Personal Privilege to recognize students from the Sunrise Christian Academy, of which his mother, Peggy O'Donnell is principal. Also introduced was Kyle Linsted, page 543.

Senator Tyson introduced team members of the 2013 Ottawa High School men's basketball team: Semi Ojeleye, Kaden Shaffer, Wyatt Peters, Dillon Boeh, Jordan Markley, Austin Blau, Alex Hasty, Dallas Natt, Taylor Graf, Tyler Smith, Rob Hedrick, Ian Mathews and Quentin Blau. The team managers were Alexis Dunnivan, Steph Brands, Erika Doty and Nate Rodriguez, page 571.

Senators Haley and Faust-Goudeau rose on a Point of Personal Privilege to commemorate the life of Martin Luther King, Jr., page 573.

Invocation guest Senator Abrams sang the Lord's Prayer, page 702.

Senator Hensley introduced Samona Gogian, wife of Corporal Gogian, Steve Atherly, father of Officer Atherly, and Topeka Police Chief Ron Miller, page 854.

Senator Hensley introduced Topeka Mayor Bill Bunten and his wife Joann Bunten on his retirement, page 855.

Senator Hensley introduced Shawnee County Commissioner Ted Ensley on his retirement. Also introduced were Elna Ensley, wife, Kathy Cheatam, daughter and grandson, Ian Ensley, page 856.

Senator Kelly introduced the Hayden Catholic High School girls' and boys' soccer teams for both winning the 2012 Class 4-1A state championship. The members of the girls' team are Sarah Pimentel, Mariah Trupp, Addie Barry, Carlee Seitz, Randi Watson, Shannon Strecker, Margaret Dunshee, Jacki Martinek, Melinda Faught, Jeana Johnson, Kirah Lohse, Mackenzie Cox, Kaylee McCaffrey, Courtney Schumacher, Katie Schmanke, Katie Wolfe, Kiley Ossello, Hailey Myers, Melissa Vega, Ali Taggart, Miranda Beck, Kylie Watson and Jamie Myers; Head Coach, Klaus Kreutzer, and Assistant Coach, Markie Gallagher; team managers Mariah Valdivia, Julie Rodgers and Carrisa Escobar.

The boys' team are Jacob Kirmer, Ryan Anderson, Brian Kongs, Jacob Maichel, Trenton Wecker, Nick Smith, Zack Mryyan, Jacob Keck, Ryan Kinman, Conner Beck, Bennett Federico, Josh May, Ryan Spellman, Matthew Mohan Alex Singer, Brogan Heinen, Derek Meier, Pedro Ortega, Dylan Seitz, Ty Dickerson, Drew Seitz and Mike Self; Head Coach Klaus Kreutzer and Assistant Coach, Jeff Gabriel; team managers Randi Watson and Margaret Dunshee; and Principal, Rick Strecker, page 857.

Senator Pettey rose on a Point of Personal Privilege to introduce the newly elected Mayor/CEO of Kansas City, Kansas and Wyandotte County, Mark Holland, page 858.

Invocation guest Kourtney Pyle, daughter of Senator Pyle, sang the Lord's Prayer and the Star Spangled Banner, page 876.

Senator Apple introduced Dylan York on his 13 year record of perfect school attendance. Also introduced were his parents Jack and Janet York, page 926.

Senator Bruce introduced Joe Hefner for his 90th birthday. Also introduced were granddaughter, Pam Watson, Dolly Klappin, friend, and Stacy Graf, page 927.

Senator Haley introduced guests from Sumner Academy of Arts and Science, Kansas City, Kansas. Guests were David Smith, Chief of Staff, and Christian Foster, Vice Principal, page 931.

Senator McGinn introduced Andy Schlapp, Director of Public Relations, Wichita State University, page 935.

Senator Haley rose on a Point of Personal Privilege to wish his daughter Mariah Danielle a Happy Birthday, page 936.

Senator Bowers introduced Lt. Matt Lucht and Jeff Gabriel of the STARBASE Program, page 1005.

Senator Francisco introduced Chris Howard and Coach Mike Whittlesey, 2013 University of Kansas women's track and field, page 1484.

SENATE AND JOINT RULES

Senate Rules, **SR 1704**, page 13, adopted, page 52.

Joint Rules of the Senate and House of Representatives, **SCR 1604**, page 40, adopted, page 55.

SPECIAL REPORTS

Majority Party Caucus report from Senator Susan Wagle, Chairperson, submitting names of officers of the Majority Party and members of the Committee on Organization, Calendar and Rules, page 4.

Minority Party Caucus report from Senator Anthony Hensley, Chairperson, submitting names of officers of the Minority Party, page 4.

AUTHOR INDEX

This index includes all legislation sponsored by Senate Members, Senate Committees, Joint Committees, Select Committees and Special Committees.

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- SB 44 School districts; requirements for identification of and provision of services to students with dyslexia.
- SB 104 Creating the Kansas children's internet protection act.
- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1705 Congratulating and commending the members of the 2013 Kansas Teacher of the Year team.
- SR 1715 Congratulating and commending the 2012 Kansas National Board Certified Teachers.
- SR 1716 Congratulating the Kansas recipient of the 2012 Milken Family Foundation Educator Award.
- SR 1717 Congratulating and commending the 2013 Kansas Cable Telecommunications Horizon Award Program educators.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1739 Congratulating the 1953 El Dorado Junior College basketball team on the 60th anniversary of winning the NJCAA title.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.
- SR 1768 Congratulating Kansas State University on a successful year in inter-collegiate athletics.

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- SB 142 Abortion; concerning civil actions related to abortion.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1712 Congratulating Bob Koechner for receiving the community service award from the NSDAR.
- SR 1725 Congratulating the Blue Valley West High School debate team.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1761 Honoring David Miller for his 24 year career as Miami County Attorney.
- SR 1763 Congratulating Dylan Thomas York on his 13 year record of perfect school attendance.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

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- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1731 Congratulating the 2013 Kansas Master Teachers.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
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- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

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- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SR 1706 Resolution recognizing National Catholic Schools Week.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1732 Designating March 11th-17th, 2013, as "Multiple Sclerosis Awareness Week".
- SR 1738 Congratulating the U.S. 36 Highway Association on its 100th anniversary.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1769 Recognizing the success of the STARBASE program in Kansas.

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- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SCR 1603 Committee to inform governor that legislature is organized, 2013.
- SCR 1604 Joint rules for the Senate and House of Representatives, 2013-2014.
- SCR 1611 Adjournment of legislature for a time during the 2013 session.
- SCR 1614 Adjournment of the 2013 regular session of the legislative session.
- SR 1701 Organization of the Senate, 2013.
- SR 1702 Assignment of seats in the Senate, 2013.
- SR 1703 Congratulating Senator and Mrs. Ostmeyer on their 50th wedding anniversary.
- SR 1704 Rules of the Senate 2013-2016.
- SR 1713 Congratulating and commending the 2014 graduating class of the Kansas Academy of Mathematics and Science.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1764 Celebrating Joe Hefner's 90th birthday and thanking him for his service to the Kansas Senate.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

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- SB 161 Vital statistics; concerning death and unborn child death certificates.
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- SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1745 Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.
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- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

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- SR 1746 Honoring the life of former Kansas state senator, Jack Janssen.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1751 Commemorating the 10th Anniversary of the Armenia-Kansas partnership.
- SR 1754 Congratulating the McPherson High School women's volleyball team on its class 4A state championship.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

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- SB 3 Physician assistants; exempt license.
- SB 4 Amending the statute of limitations for prosecution of sexually violent offenses where the victim is under 18 years of age.
- SB 5 Business entities; restricting the use of an acquired entity's name by an acquiring entity.
- SB 6 Relating to restricted driving privileges in lieu of suspension.
- SB 13 County elections commissioners; appointment by county commission.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 111 Establishing Native American legislative day at the capitol.
- SB 165 Abatement of property taxes for property destroyed due to calamity.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.

- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1736 Congratulating Miss Kansas 2012, Sloane Lewis.
- SR 1737 Recognizing the contributions made by the citizens of Azerbaijan.
- SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
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- SR 1770 Congratulating and commending Senator Ulysses Lee "Rip" Gooch.

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- SR 1709 Congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1748 Recognizing Mark Allen for his instrumental work in returning Dr. Naismith's original rules of basketball back to Kansas.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1771 Congratulating the 2013 University of Kansas women's track and field team on being named NCAA Team Champions.

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- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 180 Length of regular legislative session in odd-numbered years.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
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- SB 198 Kansas Buy American Act.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1709 Congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation.
- SR 1719 Recognizing the friendship between the state of Kansas and the Nation of Israel.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1757 Recognizing the abuse of prescription drugs as a statewide and national problem.
- SR 1765 Congratulating Sumner Academy of Arts and Sciences on being ranked the #1 academic high school in Kansas.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
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- SB 13 County elections commissioners; appointment by county commission.
- SB 14 Prohibiting outside employment of certain state officials.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1714 Commemorating the 150th anniversary of Kansas State University.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1732 Designating March 11th-17th, 2013, as "Multiple Sclerosis Awareness Week".
- SR 1750 Congratulating and commending Kansas State University quarterback Collin Klein for his achievements on and off the football field.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1768 Congratulating Kansas State University on a successful year in inter-collegiate athletics.

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- SB 13 County elections commissioners; appointment by county commission.
- SB 14 Prohibiting outside employment of certain state officials.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 178 School finance; amending base state aid per pupil; increasing state prescribed percentage for local option budget for fiscal years 2014 and 2015.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.
- SCR 1603 Committee to inform governor that legislature is organized, 2013.
- SCR 1604 Joint rules for the Senate and House of Representatives, 2013-2014.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SCR 1611 Adjournment of legislature for a time during the 2013 session.
- SCR 1614 Adjournment of the 2013 regular session of the legislative session.
- SR 1701 Organization of the Senate, 2013.
- SR 1702 Assignment of seats in the Senate, 2013.
- SR 1703 Congratulating Senator and Mrs. Ostmeyer on their 50th wedding anniversary.
- SR 1704 Rules of the Senate 2013-2016.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1730 Congratulating Cletus Simons on his receipt of the French Legion of Honor medal.
- SR 1731 Congratulating the 2013 Kansas Master Teachers.
- SR 1733 Congratulating and commending Mary Torrence, Revisor of Statutes, on her retirement.
- SR 1753 Congratulating and commending Washburn alumni Michael Wilhoite and Cary Williams for competing in the 2013 Super Bowl, and the leadership of Washburn Head Football Coach Craig Schurig.
- SR 1756 Memorializing the life of Ivan Wyatt.
- SR 1758 Honoring the lives of the two Topeka Police Officers killed in the line of duty.
- SR 1759 Congratulating Topeka Mayor Bill Bunten on his retirement.
- SR 1760 Congratulating Ted Ensley on his retirement from the Shawnee County Commission.
- SR 1762 Congratulating the Hayden Catholic High School Girls' and Boys' soccer teams on their class 4-1A state championships.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1768 Congratulating Kansas State University on a successful year in inter-collegiate athletics.

Holland, Tom

- SB 12 Governmental ethics; two year restriction on lobbying by former state officers or employees.
- SB 13 County elections commissioners; appointment by county commission.

- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1722 Congratulating the Tonganoxie High School Debate team on their state championship.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1731 Congratulating the 2013 Kansas Master Teachers.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Holmes, Mitch

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Kelly, Laura

- SB 12 Governmental ethics; two year restriction on lobbying by former state officers or employees.
- SB 13 County elections commissioners; appointment by county commission.
- SB 14 Prohibiting outside employment of certain state officials.
- SB 15 Local ad valorem tax reduction fund; transfers to; distributions to political subdivisions.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1720 Congratulating the Silver Lake High School debate team.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1740 Congratulating Rod Garman for being named Kansas Elementary School Principal of the Year.
- SR 1753 Congratulating and commending Washburn alumni Michael Wilhoite and Cary Williams for competing in the 2013 Super Bowl, and the leadership of Washburn Head Football Coach Craig Schurig.
- SR 1758 Honoring the lives of the two Topeka Police Officers killed in the line of duty.
- SR 1759 Congratulating Topeka Mayor Bill Bunten on his retirement.
- SR 1760 Congratulating Ted Ensley on his retirement from the Shawnee County Commission.

- SR 1762 Congratulating the Hayden Catholic High School Girls' and Boys' soccer teams on their class 4-1A state championships.
 SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Kerschen, Dan

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
 SB 142 Abortion; concerning civil actions related to abortion.
 SB 161 Vital statistics; concerning death and unborn child death certificates.
 SB 199 University of Kansas medical center; midwest center for stem cell therapy.
 SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
 SR 1745 Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.
 SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
 SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
 SR 1768 Congratulating Kansas State University on a successful year in inter-collegiate athletics.

King, Jeff

- SB 8 Creating the Kansas commission on judicial qualifications.
 SB 161 Vital statistics; concerning death and unborn child death certificates.
 SB 167 Eliminating the statute of limitations for prosecutions of rape.
 SCR 1601 Constitutional amendment revising article 3, relating to the judiciary; allowing the governor to appoint supreme court justices and court of appeals judges, subject to senate confirmation; abolishing the supreme court nominating commission.
 SR 1703 Congratulating Senator and Mrs. Ostmeyer on their 50th wedding anniversary.
 SR 1726 Congratulating the Field Kindley High School debate team.
 SR 1727 Congratulating the Caney Valley High School debate team.
 SR 1728 Congratulating the Caney Valley High School debate team.
 SR 1739 Congratulating the 1953 El Dorado Junior College basketball team on the 60th anniversary of winning the NJCAA title.
 SR 1741 Congratulating the many accomplishments of Jim Halsey.
 SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
 SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Knox, Forrest

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
 SB 142 Abortion; concerning civil actions related to abortion.
 SR 1739 Congratulating the 1953 El Dorado Junior College basketball team on the 60th anniversary of winning the NJCAA title.
 SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
 SR 1749 Congratulating the Burlington High School women's basketball team on its class 3A state championship.

- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.
- SR 1768 Congratulating Kansas State University on a successful year in inter-collegiate athletics.

LaTurner, Jacob

- SB 10 Length of regular legislative session in odd-numbered years.
- SB 11 Legislators; lobbying restrictions; nepotism restrictions.
- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 148 Raffles; regulation; administrator of charitable gaming, department of revenue.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SCR 1602 State constitutional amendment; term limits; legislators.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Longbine, Jeff

- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SR 1718 Designating February 15, 2013 as "Emporia State University Day".
- SR 1723 Congratulating the Emporia High School debate team.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1731 Congratulating the 2013 Kansas Master Teachers.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1755 Congratulating Emporia State University's debate team on winning the National Debate Tournament and the Cross Examination Debate Association national tournament.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Love, Garrett

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1731 Congratulating the 2013 Kansas Master Teachers.

- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1750 Congratulating and commending Kansas State University quarterback Collin Klein for his achievements on and off the football field.
- SR 1753 Congratulating and commending Washburn alumni Michael Wilhoite and Cary Williams for competing in the 2013 Super Bowl, and the leadership of Washburn Head Football Coach Craig Schurig.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Lynn, Julia

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1731 Congratulating the 2013 Kansas Master Teachers.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Masterson, Ty

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1705 Congratulating and commending the members of the 2013 Kansas Teacher of the Year team.
- SR 1739 Congratulating the 1953 El Dorado Junior College basketball team on the 60th anniversary of winning the NJCAA title.
- SR 1742 Recognizing March 26th as American Diabetes Association Alert Day.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

McGinn, Carolyn

- SR 1724 Congratulating the Newton High School debate team.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.

- SR 1745 Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.
SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Melcher, Jeff

- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
SR 1731 Congratulating the 2013 Kansas Master Teachers.
SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

O'Donnell, Michael

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
SB 142 Abortion; concerning civil actions related to abortion.
SB 161 Vital statistics; concerning death and unborn child death certificates.
SB 165 Abatement of property taxes for property destroyed due to calamity.
SB 199 University of Kansas medical center; midwest center for stem cell therapy.
SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
SR 1745 Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.
SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Olson, Robert

- SB 95 Uniform vital statistics act; certificate of birth relating in stillbirth.
SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
SB 142 Abortion; concerning civil actions related to abortion.
SB 161 Vital statistics; concerning death and unborn child death certificates.
SB 199 University of Kansas medical center; midwest center for stem cell therapy.
SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Ostmeyer, Ralph

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.

- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1734 Congratulating the Norton High School wrestling team on its 3-2-1A state championship.
- SR 1738 Congratulating the U.S. 36 Highway Association on its 100th anniversary.
- SR 1743 Congratulating the Hoxie High School women's basketball team on its class 1A state championship.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Petersen, Mike

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 165 Abatement of property taxes for property destroyed due to calamity.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1745 Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Petty, Pat

- SB 12 Governmental ethics; two year restriction on lobbying by former state officers or employees.
- SB 13 County elections commissioners; appointment by county commission.
- SB 14 Prohibiting outside employment of certain state officials.
- SB 179 Requiring employment of Kansas workers for certain state contracts and tax benefits.
- SB 182 Providing food sales tax refunds and homestead property tax refunds for renters.
- SB 198 Kansas Buy American Act.
- SCR 1607 Urging congress to amend the U.S. constitution to overturn Citizens United v. Federal Election Commission.
- SR 1709 Congratulating the University of Kansas Cancer Center on receiving National Cancer Institute designation.

- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Pilcher-Cook, Mary

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SCR 1606 Honoring pregnancy maintenance resource centers.
- SCR 1612 Constitutional amendment to expressly reserve certain powers to the state of Kansas, and to the citizens of Kansas.
- SCR 1613 Making application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the constitution of the United States with respect to states' rights.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Powell, Larry

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Pyle, Dennis

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1738 Congratulating the U.S. 36 Highway Association on its 100th anniversary.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Schmidt, Vicki

- SB 38 Elections; advance voting; deceased voter.
- SR 1708 Congratulating Jo Budler on her Librarian of the Year award.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.

- SR 1735 Congratulating the Washburn Rural High School women's volleyball team on winning the class 6A state championship.
- SR 1742 Recognizing March 26th as American Diabetes Association Alert Day.
- SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1753 Congratulating and commending Washburn alumni Michael Wilhoite and Cary Williams for competing in the 2013 Super Bowl, and the leadership of Washburn Head Football Coach Craig Schurig.
- SR 1758 Honoring the lives of the two Topeka Police Officers killed in the line of duty.
- SR 1759 Congratulating Topeka Mayor Bill Bunten on his retirement.
- SR 1760 Congratulating Ted Ensley on his retirement from the Shawnee County Commission.
- SR 1762 Congratulating the Hayden Catholic High School Girls' and Boys' soccer teams on their class 4-1A state championships.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Smith, Greg

- SB 66 Requiring the collection and publication of district attorney criminal and juvenile offender caseload data.
- SB 92 Requiring law enforcement to report the presence of pornographic materials found at the scene of a sexually violent crime or in possession of a person who commits a sexually violent crime.
- SB 118 Relating to law enforcement reporting and investigation of missing persons.
- SB 119 Legislature; job protection for persons elected or appointed to the state legislature.
- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 142 Abortion; concerning civil actions related to abortion.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 167 Eliminating the statute of limitations for prosecutions of rape.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SR 1707 Congratulating the Shawnee Mission West High School Football Team on winning the 2012 6A State football championship.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.

Tyson, Caryn

- SB 141 Abortion; prohibiting abortions performed solely because of the gender of the unborn child.
- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.

- SR 1752 Congratulating the Ottawa High School men's basketball team on its class 4A state championship.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.
- SR 1767 Supporting the 200+ years of Judeo-Christian tradition and its open expression in the U.S. Military.
- SR 1768 Congratulating Kansas State University on a successful year in inter-collegiate athletics.

Wagle, Susan

- SB 161 Vital statistics; concerning death and unborn child death certificates.
- SB 199 University of Kansas medical center; midwest center for stem cell therapy.
- SCR 1603 Committee to inform governor that legislature is organized, 2013.
- SCR 1604 Joint rules for the Senate and House of Representatives, 2013-2014.
- SCR 1611 Adjournment of legislature for a time during the 2013 session.
- SCR 1614 Adjournment of the 2013 regular session of the legislative session.
- SR 1701 Organization of the Senate, 2013.
- SR 1702 Assignment of seats in the Senate, 2013.
- SR 1703 Congratulating Senator and Mrs. Ostmeyer on their 50th wedding anniversary.
- SR 1704 Rules of the Senate 2013-2016.
- SR 1733 Congratulating and commending Mary Torrence, Revisor of Statutes, on her retirement.
- SR 1744 Congratulating the Wichita South High School women's basketball team on its class 6A state championship.
- SR 1745 Congratulating the Sedgwick County 4-H Shooting Sports Gold Team on its first place finish at the state shooting match.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

Wolf, Kay

- SR 1721 Congratulating the Shawnee Mission High School debate team.
- SR 1729 Recognizing the Kansas Small Business Development Center's 2013 Businesses of the year.
- SR 1747 Recognizing the Boy Scouts of America for the public service it performs.
- SR 1748 Recognizing Mark Allen for his instrumental work in returning Dr. Naismith's original rules of basketball back to Kansas.
- SR 1766 Congratulating Wichita State University on a successful year in NCAA inter-collegiate athletics.

State Legislature, Senate Committees (Various)*Agriculture*

- SB 56 Transferring the recognition of county fair associations from the secretary of agriculture to the board of county commissioners.
- SB 57 Agriculture; powers and duties of the department of agriculture relating to animal health, poultry improvement plan and domesticated deer.
 - Sub
 - SB 57 Agriculture; powers and duties of the department of agriculture relating to poultry improvement plan and domesticated deer.
- SB 86 Plant protection; live plant dealer's licenses.
- SB 87 Establishing the Kansas equine education and promotion board.
- SB 120 Enacting the Kansas farmers' market promotion act.
- SB 146 Agriculture; changing the definition of "on-farm retail sales of milk or milk products."
- SB 147 Agriculture; anhydrous ammonia; permits; fees; liability insurance requirements; anhydrous ammonia fee fund.
- SB 168 Limiting nuisance actions against certain agricultural activities.
- SB 202 Adding certain agricultural production NAICS subsectors to the definition of "qualified firm" for purposes of the high performance incentive program.

Assessment and Taxation

- SB 55 Specifying responsibility for payment of the mortgage registration fee.
- SB 72 Property and sales tax exemptions for health clubs.
- SB 78 Retention of 6.3% sales tax rate, reduction in individual income tax rates and elimination of certain deductions.
- SB 79 Income tax deductions and modifications and severance tax exemptions; basis of partner's interest and shareholder's stock; statutory clarification.
- SB 83 Allowing the department of revenue to collect certain service fees relating to delinquent tax liabilities.
- SB 84 Sales taxation; presumptions relating to nexus.
- SB 106 Income tax credit for expenses paid for household and dependent care services necessary for gainful employment.
 - Sub
 - SB 165 Concerning relief from property taxation for property destroyed by disaster.
 - SB 181 Computation of amount of personal property tax on motor vehicles.
 - SB 183 Sales tax exemption for materials and services purchased by contractors for construction and remodeling of state properties and facilities.
 - SB 188 Sales tax authority for Ellis county.
 - SB 189 Income tax credit for expenditures to make dwelling or facility accessible for persons with a disability.
 - Sub
 - SB 202 Creating a sales tax exemption for certain agricultural production firms.
 - SB 212 Establishing the produced water recycling, storage and transportation equipment investment income tax credit and accelerated depreciation for such equipment.
 - SB 222 Loans by pooled money investment board to local taxing subdivisions for payment of refund of taxes.
 - SB 225 Allowing the board of regents to charge KAN-ED program user fees.

- SB 229 Remittance credits for sales and use tax collection services provided by retailers.
- SB 231 Expansion of rural opportunity zones.
- SB 232 Earned income tax credit and homestead property tax refunds.
- SB 234 Sales tax exemption for sales of certain machinery and equipment used for surface mining activities.
- SB 235 Property tax exemption for certain new automobile manufacturing property.
- SB 238 Predetermination of property classification.

Commerce

- SB 31 Certain deductions from wages authorized.
- SB 37 Kansas home inspectors professional competence and financial responsibility act.
- SB 73 Workers compensation: administrative duties of secretary of health and environment; citizenship status; administrative judge disqualification; limitation of actions; workplace health and safety program.
- SB 74 Prison-made goods act; prohibiting prisoner production of manufactured or modular homes.
- SB 75 Record requirements and civil penalties relating to sales of plastic bulk merchandise containers.
- SB 93 Civil procedure, commercial property liens; state construction registry, notice of commencement and notice of furnishings.
- SB 101 Motor-vehicle fuel; relating to retail pump labeling requirements.
- SB 149 Drug screening for recipients of cash assistance and unemployment benefits.
- SB 187 Establishing the workers compensation and employment security boards nominating committee; administrative law judge appointment; workers compensation appeals board.
- SCR 1609 Constitutional amendment adding the economic freedom amendment prohibiting the transfer to the federal government of ownership interests in entities formed under Kansas law.
- S Sub for
HB 2022 Concerning employees; relating to certain employee organizations; political activities; certain deductions from wages.
- S Sub for
HB 2150 Concerning the Kansas employment first oversight commission.

Education

- SB 103 School district; redefining at-risk pupil.
- SB 105 School districts; bullying policies.
- SB 128 Career technical education incentive program amendments.
- SB 137 School districts; adoption of plan to address bullying.
- SB 170 Counties; abatement of nuisances; procedure; disposition of motor vehicles.
- SB 171 School districts; amendments to Kansas uniform financial accounting and reporting act.
- SB 172 School districts; prohibiting the use of Carnegie units for purposes of determining graduation requirements.
- SB 173 School districts; accounting for KPERS employer contributions as part of state aid to schools.
- SB 174 School finance; amendments to certain weightings.

- SB 201 Creating the school district budget law.
- SCR 1608 Constitutional amendment concerning school finance; suitable provision for finance determined by the legislature.
- S Sub for
- HB 2140 Enacting the Kansas reads to success act.

Ethics, Elections and Local Government

- SB 33 Elections; voter identification requirement.
- SB 63 Elections; voting crimes, penalties and prosecution.
- SB 64 Elections; party affiliation.
- SB 65 Governmental ethics commission; membership expanded.
- SB 98 Elections; local government candidates.
- SB 99 Lobbyists defined.
- SB 100 Lobbyists; filings.
- SB 108 Offices of the governor and lieutenant governor; vacancy.
- SB 130 Investments by local governments; inflation protection.
- SB 143 State treasurer, insurance commissioner; term limits.
- SB 150 State, municipalities; contracts for construction materials and other goods and merchandise; specification limitations.
- SB 151 Public officials; term limits on senators and representatives.
- SB 156 Campaign finance; increased contributions to senators.
- SB 177 Elections; disclosure of certain voter information prohibited.
- SB 200 Open meetings; definition.
- SCR 1610 Elections; term limits; attorney general, secretary of state.
- S Sub for
- HB 2141 Concerning public funds; lobbyists.

Federal and State Affairs

- SB 21 Firearms; criminal possession of a firearm; expungement; personal and family protection act.
- SB 28 Authorizing the division of emergency management within the adjutant general's department to accept certain real property.
- SB 29 Racial profiling data collection and reporting requirements
- SB 30 Uniform consumer credit code and payday loans.
- SB 34 Commission on emergency planning and response, membership.
- SB 35 Alcoholic beverages; employment standards for persons serving alcoholic beverages.
- SB 36 Alcoholic beverages; samples, alcoholic liquor; clubs and drinking establishments.
- Sub
- SB 36 Alcoholic liquor; clubs and drinking establishments; samples.
- SB 42 Architects and engineers; immunity from liability in negligence under certain circumstances.
- SB 45 Prohibition on use of state appropriated moneys to lobby at state and local government level.
- SB 47 Amending the crime of identity theft.
- SB 48 Kansas employer e-verify accountability act.
- SB 53 Prohibiting employers from requiring employees to divulge social media content.

- SB 54 Amendments pertaining to the board of technical professions.
- SB 91 Disaster reimbursement fund; adjutant general.
- SB 94 Crimes, definition of firearm; antique firearms excluded.
- SB 97 Logan county; election of board of commissioners.
- SB 109 Lobbying; use of public funds prohibited.
- SB 112 Alcoholic liquor; authorizing the production and transportation of homemade fermented beverages.
- SB 114 Kansas expanded lottery act; minimum investment; electronic gaming machine revenue distribution.
- SB 127 Electric cooperative refund to members on death.
- SB 135 Transferring boiler inspection duties from the department of labor to the state fire marshal.
- SB 155 Technical professions; ethical marketing of profession services; state, local government clients.
- SB 184 Personal and family protection act; amendments.
- SB 185 Vital statistics; unborn child death certificate.
- SB 186 Personal and family protection act; public and private buildings; amendments.
- SB 191 Amending definitions relating to agricultural corporations and repealing certain agricultural corporation statutes.
- SB 192 Credit card surcharge exemption for certain educational institutions.
- SB 203 Club and drinking establishments; hotels; coupon for drinks; liquor drink tax.
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SENATE JOURNAL

PROCEEDINGS

OF

The Senate

OF THE

KANSAS LEGISLATURE

TOPEKA, KANSAS

2013 SPECIAL SESSION

September 3 through September 4, 2013

COREY CARNAHAN, *Secretary of the Senate*

SEPTEMBER 3, 2013

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SPECIAL SESSION

Journal of the Senate

FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, September 3, 2013, 8:00 a.m.

Pursuant to the Governor's notification of August 6, 2013, the Senate convened for a Special Session of the Kansas Legislature with President Susan Wagle in the chair.

President Wagle introduced the Honorable Kris Kobach, Secretary of State, who delivered the following message:

**PROCLAMATION CALLING THE LEGISLATURE
INTO SPECIAL SESSION TO PROTECT THE SAFETY
OF THE CITIZENS OF KANSAS**

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, Public Safety is one of the primary roles of state government; and

WHEREAS, K.S.A. 21-6620 through 21-6625, the "Hard 50" law, is an important tool used by Kansas prosecutors to protect the public from many of the most vicious murderers; and

WHEREAS, Experts in the field believe the United States Supreme Court's ruling in *Alleyne v. United States* renders the "Hard 50" law unconstitutional and will, according to the Attorney General of Kansas "virtually guarantee" that dozens of violent offenders will receive significantly weaker sentences; and

WHEREAS, The Attorney General of Kansas has requested the Governor call a Special Session of the Legislature; and

WHEREAS, As Governor, I have a responsibility to the victims, their families, and their communities to see that justice is served and the citizens of Kansas are protected from violent criminals, now and in the future:

NOW, THEREFORE, I, Sam Brownback, GOVERNOR OF THE STATE OF KANSAS, by the authority vested in me by the Constitution of the State of Kansas, do hereby call the

***Legislature of the State of Kansas into Special Session to
Protect the Safety of the Citizens of Kansas***

at the Capitol in Topeka, Kansas, on the 3rd day of September, 2013, at the hour of 8:00 o'clock a.m., to enact legislation by 5:00 o'clock p.m. on the 5th day of September 2013 to respond to the ruling of the United States Supreme Court in *Alleyne v. United States*.

DONE: At the Capitol in Topeka
under the Great Seal of the
State this 6th day of
August, A.D. 2013

BY THE GOVERNOR: SAM BROWBACK
KRIS W. KOBACH
Secretary of State
ERIC RUCKER
Assistant Secretary of State

In accordance with the provision of the Constitution of the State of Kansas and the Proclamation as read, President Wagle called the 2013 Special Session of the Legislature to order.

The roll was called with forty senators present.

District	District
1 Dennis D. Pyle	21 Greg A. Smith
2 Marci Francisco	22 Tom Hawk
3 Tom Holland	23 Rob Olson
4 David Haley	24 Tom Arpke
5 Steve Fitzgerald	25 Michael O'Donnell
6 Pat Pettey	26 Dan Kerschen
7 KayWolf	27 Leslie D. "Les" Donovan, Sr.
8 Jim Denning	28 Mike Petersen
9 Julia Lynn	29 Oletha Faust-Goudeau
10 Mary Pilcher-Cook	30 Susan Wagle
11 Jeff Melcher	31 Carolyn McGinn
12 Caryn Tyson	32 Steve E. Abrams
13 Jacob LaTurner	33 Mitch Holmes
14 Forrest J. Knox	34 Terry Bruce
15 Jeff King	35 Jay Scott Emler
16 Ty Masterson	36 Elaine S. Bowers
17 Jeff Longbine	37 Pat Apple
18 Laura Kelly	38 Garrett Love
19 Anthony Hensley	39 Larry R. Powell
20 Vicki L. Schmidt	40 Ralph Ostmeyer

Invocation by Father Don Davidson:

Almighty God, we celebrate today that they have arrived. Our legislators, not expected until January, have arrived from every corner of our state. While there are only 40 in this honorable chamber, they speak for two million eight hundred eighty six thousand people from cities and towns, ranches and suburbs, farms and apartments who proudly know themselves to be Kansans.

Thank you Creator God for the gifts you have given them and for your grace in the conduct of this special session so that good work may be done. In Your Holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Wagle, Bruce and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1701—

A RESOLUTION relating to the organization of the Senate.

Be it resolved by the Senate of the State of Kansas: That the Secretary of the Senate notify the House of Representatives that the Senate is organized with the following officers:

Susan Wagle, president,
Jeff King, vice-president,
Terry Bruce, majority leader,
Anthony Hensley, minority leader,
Corey Carnahan, secretary,
Don Cackler, sergeant at arms,
and awaits the pleasure of the House of Representatives.

On emergency motion of Senator Bruce **SR 1701** was adopted unanimously.

MESSAGES FROM THE GOVERNOR

As you know, on July 24, 2013, Attorney General Derek Schmidt formally requested that I call a special session of the Kansas Legislature for the purpose of repairing Kansas's "Hard 50" sentence in the wake of the June 17, 2013 decision of the United States Supreme Court in *Alleyne v. United States*.

There is broad and bipartisan consensus across all of our state's law enforcement and prosecutorial agencies urging me to adopt the recommendation of Attorney General Schmidt. Likewise, there is broad and bipartisan support among the leaders of this Legislature that a special session is necessary and is in the best interests of public safety.

As the Attorney General has written, the "Hard 50" sentence "is a vital public safety tool enacted by the Legislature more than a decade ago to remove the 'worst of the worst' killers from society for at least 50 years." Legal experts and prosecutors across Kansas agree and have advised me that the *Alleyne* decision renders our "Hard 50" sentence unconstitutional because under current law, it is imposed by a judge rather than by a jury.

Attorney General Schmidt has further advised that a relatively simple procedural fix allowing the jury to make the necessary factual findings, if adopted by the Legislature, will cure the constitutional defect. Until such a cure is enacted, however, all criminal defendants who would otherwise be eligible to receive the "Hard 50" sentence upon conviction will instead receive a maximum sentence of only 25 years. Due to the constitutional and statutory requirement that the state bring criminal defendants to trial in a speedy manner, this has created a situation where time is of the essence.

Enacting a Legislative cure during the 2014 regular session of the Kansas Legislature as would likely occur in the ordinary course of our legislative calendar will, in the words of Attorney General Schmidt, "virtually guarantee" an increase in "the number of convicted killers who will be eligible for parole after only 25 years instead of after 50 years." This fact led the Attorney General to opine that the current circumstance does in

fact rise to the level of an “extraordinary occasion” sufficient to justify this office exercising its authority to call the Legislature into special session pursuant to Article 1, Section 5 of the Kansas Constitution.

As such, in my considered judgment, in reliance upon the advice of the Attorney General of the State of Kansas and the bipartisan consensus of the law enforcement community across Kansas, I find that these circumstances present a real and present danger to the public safety of the citizens of Kansas and does, in fact, constitute an “extraordinary occasion” justifying a special session of the Legislature.

I am confident that the Legislature can and will act quickly, with resolve and narrow focus, to protect the safety of all Kansans by restoring to prosecutors the immediate ability to seek the “Hard 50” sentence for those criminals convicted of the “worst of the worst” kinds of crimes.

As of 8:00 A.M., September 3, 2013, pursuant to Article I, Section 5 of the Kansas Constitution, I hereby call the Kansas Legislature into special session.

Signed: SAM BROWNBACK

Date: September 3, 2013

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as the Governor of the State of Kansas, pursuant to law.

SAM BROWNBACK
Kansas Governor

Member, University of Kansas Hospital Authority, Mark Jorgenson (R), Kansas City, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2016.

Member, University of Kansas Hospital Authority, Daniel Thomas (R), Mission Hills, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2016.

Member, Kansas Board of Regents, Helen Van Etten (R), Topeka, pursuant to the authority vested in me by the KSA 74-3202a effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2017.

Member, Kansas Board of Regents, Shane Bangerter (U), Dodge City, pursuant to the authority vested in me by the KSA 74-3202a effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2017.

Member, Kansas Board of Regents, Ann Brandau Murguia (D), Kansas City, pursuant to the authority vested in me by the KSA 74-3202a effective upon the date of confirmation by the Senate, to serve a four year term, to expire June 30, 2017.

Member, Kansas Human Rights Commission, David Brant (R), Wichita, pursuant to the authority vested in me by the KSA 44-1003 effective upon the date of confirmation by

the Senate, to serve a four year term, to expire January 15, 2017.

Member, Kansas Human Rights Commission, Michael Kane (D), Kansas City, pursuant to the authority vested in me by the KSA 44-1003 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2017.

Member, Kansas Human Rights Commission, Eric Laverentz (R), Overland Park, pursuant to the authority vested in me by the KSA 44-1003 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2017.

Member, Kansas Lottery Commission, James Washington (R), Basehor, pursuant to the authority vested in me by the KSA 74-8709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2016.

Member, Kansas Lottery Commission, Thomas Roberts (D), Kansas City, pursuant to the authority vested in me by the KSA 74-8709 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017.

Member, State Banking Board, Kurt Knutson (R), Overland Park, pursuant to the authority vested in me by the KSA 74-3004 effective upon the date of confirmation by the Senate, to serve a three year term to expire March 15, 2016.

Member, Public Employee Relations Board, Mark McGivern (R), Topeka, pursuant to the authority vested in me by the KSA 75-4323 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2017.

Chief Hearing Officer, Kansas Court of Tax Appeals, Arlen Siegfried (R), Olathe, pursuant to the authority vested in me by the KSA 74-2433 effective upon the date of confirmation by the Senate, to serve a four year term, to expire January 15, 2017.

Secretary, Kansas Department of Administration, James Clark (R), Lawrence, pursuant to the authority vested in me by the KSA 75-3702a effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor, to succeed Dennis Taylor.

Securities Commissioner, Kansas Securities Commission, Joshua Ney (R), Lawrence, pursuant to the authority vested in me by the KSA 75-6301 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor.

Brigadier General, Kansas National Guard, Colonel Robert Windham (R), Junction City, pursuant to the authority vested in me by the KSA 75-6301 effective upon the date of confirmation by the Senate, to serve at the pleasure of the governor.

Judge, Kansas Court of Tax Appeals, Ronald Mason (R), Hutchinson, pursuant to the authority vested in me by the KSA 75-6301 effective upon the date of confirmation by the Senate, to serve a four year term, expiring January 15, 2017.

Member, University of Kansas Hospital Authority, Elizabeth King (R), Wichita, pursuant to the authority vested in me by the KSA 76-3304 effective upon the date of confirmation by the Senate, to serve a four year term, to expire March 15, 2014, to fill the unexpired term due to the resignation of Alex Ammar.

Judge, Kansas Court of Appeals, Caleb Stegall, Lawrence, pursuant to the authority vested in me by HB 2019 effective upon the date of confirmation by the Senate.

REFERENCE OF APPOINTMENTS

President Wagle referred the appointment of Caleb Stegall to the Committee on **Judiciary** and the appointments of James Clark, Dr. Elizabeth King, Ronald Mason, Joshua Ney, Robert Windham to the Committee on **Confirmation Oversight**.

COMMUNICATIONS FROM STATE OFFICERS

OFFICE OF THE SENATE PRESIDENT
July 29, 2013

Pursuant to KSA 74-99b04, Senate President Susan Wagle appointed Mr. David Murfin to the Kansas Bioscience Authority for a three year term.

KANSAS EMPLOYEES RETIREMENT SYSTEM
June 28, 2013

Alan D. Conroy, Executive Director, submitted a copy of the Annual Report of the Kansas Public Employees Retirement System (KPERs) regarding KPERs investment in Sudan.

President Wagle 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.

On motion of Senator Bruce, the Senate recessed until 4:30 p.m.

The Senate met pursuant to recess with Senator Wagle in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 1, AN ACT concerning crimes; enacting the Kansas protection against voter suppression act; amending the crime of perjury; amending KSA 2012 Supp. 21-5903 and repealing the existing sections, by Senator Faust-Goudeau.

REPORTS OF STANDING COMMITTEES

Committee on **Confirmation Oversight** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Board of Regents: K.S.A. 74-3202a

Helen Van Etten, term expires June 30, 2017

Daniel S. Bangerter, term expires June 30, 2017
 Ann Brandau Murguia, term expires June 30, 2017
 University of Kansas Hospital Authority: K.S.A. 2012 Supp. 76-3304
 Dr. Daniel Thomas, term expires March 15, 2016
 Mark Jorgenson, term expires March 15, 2016
 Dr. Elizabeth King, term expires March 15, 2014
 Kansas Human Rights Commission: K.S.A. 44-1003
 David Brant, term expires January 15, 2017
 Michael Kane, term expires January 15, 2017
 Eric Laverentz, term expires January 15, 2017
 Kansas Lottery Commission: K.S.A. 74-8709
 James Washington, term expires March 15, 2016
 Thomas Roberts, term expires March 15, 2017
 State Court of Tax Appeals, Judge: K.S.A. 2012 Supp. 74-2433
 Ronald Mason, term expires January 15, 2017
 State Court of Tax Appeals, Chief Hearing Officer: K.S.A. 2012 Supp. 74-2433
 Arlen Siegfried, term expires January 15, 2017
 State Banking Board: K.S.A. 74-3004
 Kurt Knutson, term expires March 15, 2016
 Public Employee Relations Board: K.S.A. 2012 Supp. 75-4323
 Mark McGivern, term expires March 15, 2017
 Department of Administration, Secretary: K.S.A. 2012 Supp. 75-3702a
 James Clark, serves at the pleasure of the Governor
 Kansas National Guard, Brigadier General: K.S.A. 2012 Supp. 48-208
 Colonel Robert Windham, serves at the pleasure of the Governor
 Kansas Securities Commissioner, K.S.A. 2012 Supp. 75-6301
 Joshua Ney, serves at the pleasure of the Governor

MESSAGE FROM THE HOUSE

Announcing adoption of **HR 6001**, a resolution relating to the organization of the House of Representatives. The House is organized with the following officers:

Ray Merrick, Speaker,
 Peggy Mast, Speaker pro tem,
 Gene Vickrey, Majority leader,
 Paul Davis, Minority leader,
 Susan Kannarr, Chief clerk,
 Mike Lietz, Sergeant at arms,
 and awaits the pleasure of the Senate.

Announcing adoption of **HCR 5001**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2013 special session of the Legislature is duly organized and ready to receive communications. Appointing Representatives Proehl, Meigs and Grant as members of the committee.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

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, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5001** was adopted by voice vote. President Wagle appointed Senators King and Haley as members of the committee.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** begs leave to submit the following report: that the Senate approve and consent to such appointment:

By the Governor:
Kansas Court of Appeals, Judge: § 1 of Chapter 1 of the 2013 Session Laws of Kansas
Caleb Stegall

On motion of Senator Bruce, the Senate recessed until the sound of the gavel.

The Senate met pursuant to recess with Senator Wagle in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2002**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2002 was thereupon introduced and read by title

REFERENCE OF HOUSE BILLS

The following bill was referred to committee as indicated:

Judiciary: **HB 2002**.

REPORT ON ENROLLED BILLS

SR 1701 reported correctly enrolled and properly signed and presented to the Secretary of the Senate on September 3, 2013.

On motion of Senator Bruce, the Senate adjourned until 9:00 a.m., Wednesday, September 4, 2013.

SPECIAL SESSION

Journal of the Senate

SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, September 4, 2013, 9:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with forty senators present.

Invocation by Father Don Davidson:

Good and gracious God, Creator of all, we ask your blessing this day as the Jewish people throughout the world celebrate high Holy Days beginning with Rosh Hashanah, the New Year. No matter our faith, help us to be grateful and live in a spirit of gratitude for each day we are given. Help us to recognize that all good gifts are from you.

Today, L'Shanah Tovah – let the new year be sweet, and the new day too.

In your holy name we pray. Amen

The Pledge of Allegiance was led by President Susan Wagle.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Longbine, Bowers and Donovan introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1702—

A RESOLUTION congratulating the 2013 Buick Achievers Scholarship recipients.

WHEREAS, The Buick Achievers Scholarship Program recognizes and supports outstanding high school and current undergraduate students interested in pursuing careers in the automotive and related industries and who will be studying science, technology, engineering, math, design or business; and

WHEREAS, In 2013, the General Motors Foundation awarded approximately \$4.2 million in scholarships to 1,100 exemplary students. Among the 1,100 scholarship recipients, 521 are the first in their families to pursue a secondary education, 45 have served in the United States Armed Forces and 48 come from military families; and

WHEREAS, The Buick Achievers Scholarship Program provides 100 National recipient students with up to \$25,000 renewable for four years, and one additional year for those entering a qualified, five-year engineering program. Additionally, 1,000 Achiever recipient students receive up to \$2,000 for academic expenses; and

WHEREAS, Four Kansas students received the Buick Achievers Scholarship Program National scholarship, and 16 Kansas students received the Achiever scholarship; and

WHEREAS, The four National scholarship recipients from Kansas are: Kelsey Kilburn of Lawrence, attending Newman University; Buddy Lisk of Harveyville, attending Kansas State University; Trina Durham of Kansas City, attending University of Missouri at Kansas City; and Dalton Porter of Clyde, attending Kansas State University: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate these students on being awarded the National Buick Achievers Scholarship. These bright young students will be the leaders of tomorrow and we commend them on their dedication to academics; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Longbine.

On emergency motion of Senator Longbine **SR 1702** was adopted unanimously.

On motion of Senator Bruce, the Senate recessed until 1:30 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Faust-Goudeau, and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1703—

A RESOLUTION commemorating August 28, 2013, for being the 50th anniversary of the March on Washington for Jobs and Freedom.

WHEREAS, The March on Washington for Jobs and Freedom took place on August 28, 1963, in Washington, D.C., and was attended by an estimated 250,000 people, making it the largest demonstration ever seen in the nation's capital and one of the first to have extensive television coverage that pre-empted regularly scheduled programming; and

WHEREAS, The year of 1963 was noted for racial unrest, civil rights demonstrations and nationwide outrage sparked by media coverage of police actions in Birmingham, Alabama, where attack dogs and fire hoses were turned against protestors, many of whom were in their early teens or younger; and Martin Luther King, Jr., was arrested and jailed during these protests, writing his famous "Letter From Birmingham City Jail," which advocated civil disobedience against unjust laws; and

WHEREAS, The March on Washington represented a coalition of several civil rights organizations, each of which generally had different approaches and different agendas. The "Big Six" organizers were James Farmer, Congress of Racial Equality; Martin Luther King, Jr., Southern Christian Leadership Conference; John Lewis, Student Nonviolent Coordinating Committee; A. Philip Randolph, Brotherhood of Sleeping Car Porters; Roy Wilkins, National Association for the Advancement of Colored People; and Whitney Young, Jr., National Urban League; and

WHEREAS, The stated demands of the march were the passage of meaningful civil rights legislation; elimination of racial segregation in public schools; protection for demonstrators against police brutality; a major public-works program to provide jobs;

passage of a law prohibiting racial discrimination in public and private hiring; a \$2 an hour minimum wage; and self-government for the District of Columbia, which had a black majority population; and

WHEREAS, President Kennedy originally discouraged the march, for fear that it might make the Congress vote against civil rights legislation in reaction to a perceived threat; however, once it became clear that the march would go on, he supported it; and

WHEREAS, The march began at the Washington Monument and ended at the Lincoln Memorial, and turned out to be both a protest and a communal celebration. The heavy police presence turned out to be unnecessary, as the march was noted for its civility and peacefulness; and

WHEREAS, The speakers included five of the "Big Six" civil rights leaders, because James Farmer, who was imprisoned for a protest in Louisiana at the time, had his speech read by Floyd McKissick; other speakers included Walter Reuther, President of the United Auto Workers, and several Protestant, Catholic and Jewish religious leaders; and

WHEREAS, The two most noteworthy speeches came from John Lewis and Martin Luther King, Jr.; King's speech, which he started with prepared remarks, remains one of the most famous speeches in American history. He warned fellow protesters not to "allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force." But then he departed from his script, shifting into the "I have a dream" theme he had used on prior occasions, speaking of an America where his children "will not be judged by the color of their skin but by the content of their character;" and

WHEREAS, The march is widely credited for the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965; and

WHEREAS, The March on Washington's 50th anniversary was commemorated last week with several events in Washington, D.C., and culminated with a rally on August 28, 2013, at the Lincoln Memorial, which featured speakers including members of the King family, Congressman John Lewis, former Presidents Jimmy Carter and Bill Clinton, and President Barack Obama: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commemorate August 28, 2013, for being the 50th anniversary of The March on Washington for Jobs and Freedom, which was held on August 28, 1963, in Washington, D.C.; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Anthony Hensley, 318-East, State Capitol building, Topeka, Kansas 66612.

On emergency motion of Senator Hensley **SR 1703** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

The Committee of **Judiciary** recommends **HB 2002** (Special Session), as amended by House Committee, be passed.

On motion of Senator Bruce, the Senate recessed until 2:45 p.m.

The Senate met pursuant to recess with President Wagle in the chair.

CONSIDERATION OF APPOINTMENTS

In compliance with Senate Rule 56, the following appointments, submitted by the Governor to the Senate for confirmation and appearing on page 2 of the calendar, were considered.

Senator Bruce moved the following appointments be confirmed as recommended by the Committee on **Confirmation Oversight** and the Committee on **Judiciary**.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

David Brant, Term ends January 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Michael Kane, Term ends January 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Human Rights Commission:

Eric Laverentz, Term ends January 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Daniel Bangerter, Term ends June 30, 2017

On roll call, the vote was: Yeas 35; Nays 5; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Haley, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Francisco, Hawk, Hensley, Holland, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Ann Murguia, Term ends June 30, 2017

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Hensley, Kelly, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Board of Regents:

Helen Van Etten, Term ends June 30, 2017

On roll call, the vote was: Yeas 37; Nays 3; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holland, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Hensley, Kelly, Pettey.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Mark Jorgenson, Term ends March 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Elizabeth King, Term ends 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, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

University of Kansas Hospital Authority:

Daniel Thomas, Term ends March 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Court of Appeals:

Caleb Stegall

On roll call, the vote was: Yeas 32; Nays 8; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Fitzgerald, Holmes, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Faust-Goudeau, Francisco, Haley, Hawk, Hensley, Holland, Kelly, Pettey.

The appointment was confirmed.

EXPLANATION OF VOTE

Madam President: While I very much respect the intellectual firepower that Mr. Stegall would bring to the Kansas Court of Appeals, I doubt his ability, as Justice Frankfurter so aptly said, for "putting his passion behind his judgment instead of in front of it". I am voting against Mr. Stegall's nomination to the Court of Appeals.—Tom HOLLAND

Madam President: My vote in confirmation of Caleb Stegall to serve on the Kansas Court of Appeals is affirmative yet bears explaining. I have worked to thoroughly review the information we were provided and that which I have been able to obtain

independently in an effort to be assured that he is qualified – by virtue of his experience – to serve in this capacity. My reservation in supporting Mr. Stegall lies in the process that led to his nomination. We, as Senators, cannot tell our constituents that we are confirming the most qualified applicant for the position. Because the names of the other applicants were never revealed, we cannot be assured there weren't more experienced and potentially better suited nominees. The previous selection process allowed for greater transparency and thus more confidence with our constituents that judicial selection is carried out with the highest of integrity.—VICKI SCHMIDT

Senator McGinn requests the record to show she concurs with the “Explanation of Vote” offered by Senator Schmidt on the appointment of Caleb Stegall.

Madam President: The Governor has done a disservice to the citizens of Kansas by closing the selection process to the public eye. No longer can a voter or a Senator know who is being considered. Even Mr. Stegall said "no one seat of power should grow too large." The lack of transparency cries partisan rubber stamp. Mr. Stegall's ideological statements and no judicial experience gives me cause to question his independence. I vote "NO" on confirmation of Caleb Stegall to the Kansas Court of Appeals.—PAT PETTEY

Madam President: I vote "NO", regrettably, on the appointment to the Kansas Court of Appeals. The Legislature's 2013 change from time honored merit-based selection to direct gubernatorial appointment, pending Senate confirmation, historically vests today. During the last thirteen (13) years in the Kansas Senate, I have had the honor and the privilege to consider and vote on literally hundreds of appointments and have voted against, I believe, only one. Before today..... But today I am compelled to vote to not confirm a person who I honestly believe is competent and qualified to serve on the Kansas Court of Appeals. This shift from merit selection to direct executive branch judicial appointments, along with residual shortcomings such as no public awareness of other potential nominees, threatens the independence and autonomy of Kansas' branches (Legislative, Executive, Judicial). Worse, in this case, this process will now see a worthy nominee seated on the Bench as an anomaly to his peers who might, understandably, always view him and his opinions as a product of politics and not from a review of trial court errors or of Kansas law. It troubles me that future attorneys who aspire to the State's higher court might now first consider burnishing their political involvement credentials before insuring their legal substance and procedural ability in order to attempt to curry favor, and nomination, from some future governor and Court.—DAVID HALEY

Madam President: I was and am opposed to the current legislative appointment process for the selection of Court of Appeals judgeships. However, I am respectful of the democratic process and it is the law. This vote has nothing to do with the process change but only as to whether the candidate is qualified for judgeship. After personally meeting with Mr. Stegall, attending the confirmation hearing and reading the informational materials provided by Legislative Research, and the candidate, I vote aye.—KAY WOLF

Madam President: I vote NO on the confirmation of Caleb Stegall's appointment to

the Kansas Court of Appeals. Until today, I have never seen the Senate consider a gubernatorial nomination to the Kansas Court of Appeals. This is not because I missed votes on such matters, but it is because the nomination of Court of Appeals judges previously went through an open, fair and non-partisan process that selected individuals based on merit and not based on political ideology and partisan political patronage. The appointment of Caleb Stegall demonstrates the worst kind of political cronyism that is alive and well under Governor Brownback. The process in which this nomination has come before the Kansas Senate, and thereby the people of Kansas, has been disgracefully lacking in any transparency as the applicants for this nomination were, and remain today, kept secret by Governor Brownback so as to avoid public scrutiny. An editorial written by two Kansas Republicans said it best, "We cannot let Kansas be the place where the judiciary is under any cloud of suspicion that the selection process is based on anything other than merit and that the judges are answerable to anything other than the law, including the Constitution."—ANTHONY HENSLEY

Madam President: I vote NO on the confirmation of Mr. Caleb Stegall to the Kansas Court of Appeals. I have been pleased to hear good reports of his work and contributions but I have also learned of the many ideological issues he has addressed and his suggestion for the use of forcible resistance. I do not believe that a nominee should be required to have judicial experience, but in this case I feel I would need to be able to review some judicial rulings to positively say that he could be an impartial member of the bench and that he is basing his decisions on existing law. I also believe that we should separate our concerns for the process from the review of individual nominees for the position. However, Mr. Stegall, through presentation of testimony, actively supported changes to the process. His argument that every Kansan should have an equal voice in the process of choosing those who would interpret our laws means little if there is very limited involvement and should be weighed against the reduction of the involvement of knowledgeable citizens in the process and in elimination of an important protection of separation of powers.—MARCI FRANCISCO

By the Governor

On the appointment to the:

Department of Administration:

James Clark, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas National Guard:

Robert Windham, At the pleasure of the governor

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not

Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Kansas Public Employee Relations Board:

Mark McGivern, Term ends March 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

Office of the State Securities Commissioner:

Josh Ney, At the pleasure of the governor

On roll call, the vote was: Yeas 37; Nays 2; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Nays: Hensley, Holland.

Present and Passing: Love.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Banking Board:

Kurt Knutson, Term ends March 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Court of Tax Appeals:

Arlen Siegfried, Term ends January 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Court of Tax Appeals:

Ronald Mason, Term ends January 15, 2017

On roll call, the vote was: Yeas 39; Nays 0; Present and Passing 1; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

Present and Passing: Bruce.

The appointment was confirmed.

EXPLANATION OF VOTE

Madam President: With regard to the appointment of the State Court of Tax Appeals, Judge – 1 position, I must vote “Pass”. Although Mr. Mason’s resume and confirmation packet demonstrates that he is amply qualified for the position, I do not vote “Aye” in order to avoid any potential conflict of interest.—TERRY BRUCE

By the Governor

On the appointment to the:

State Lottery Commission:

Tom Roberts, Term ends March 15, 2017

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

By the Governor

On the appointment to the:

State Lottery Commission:

James Washington, Term ends March 15, 2016

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Bruce, an emergency was declared and **HB 2002** was advanced to that order of business Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call.

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The motion was adopted.

A motion to amend **HB 2002** by Senator Faust-Goudeau was offered and withdrawn.

HB 2002, AN ACT concerning crimes, punishment and criminal procedure; relating to sentencing of certain persons to mandatory minimum term of imprisonment of 40 or 50 years; amending K.S.A. 2012 Supp. 21-6620 and 21-6624 and repealing the existing sections.

On roll call, the vote was: Yeas 40; Nays 0; Present and Passing 0; Absent or Not Voting 0.

Yeas: Abrams, Apple, Arpke, Bowers, Bruce, Denning, Donovan, Emler, Faust-Goudeau, Fitzgerald, Francisco, Haley, Hawk, Hensley, Holland, Holmes, Kelly, Kerschen, King, Knox, LaTurner, Longbine, Love, Lynn, Masterson, McGinn, Melcher, O'Donnell, Olson, Ostmeyer, Petersen, Pettey, Pilcher-Cook, Powell, Pyle, V. Schmidt, Smith, Tyson, Wagle, Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

Madam President: I cast my vote in memory of Keighley Ann Alyea. I vote "aye."—
GREG SMITH

REPORT ON ENROLLED BILLS

SR 1701, SR 1702, SR 1703 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on September 4, 2013.

MESSAGE FROM THE HOUSE

HCR 5002, A CONCURRENT RESOLUTION relating to the 2013 special session of the legislature and providing for the adjournment thereof, was introduced and read by title.

On emergency motion of Senator Bruce, **HCR 5002** was adopted by voice vote.

President Wagle thereupon announced: "By virtue of the authority vested in me as President of the Senate, I now declare the 2013 Special Session of the Legislature adjourned sine die."

ROSE MARIE GLATT, CHARLENE BAILEY, *Journal Clerks.*

COREY CARNAHAN, *Secretary of the Senate.*



SPECIAL SESSION

SHORT TITLE AND HISTORY

OF

SENATE BILLS

AND

SENATE RESOLUTIONS

(SJ & HJ Nos. refer to 2013 Senate and House Journals)

(21)

TITLE AND HISTORY OF SENATE BILLS
SPECIAL SESSION

- S 1** Bill by Senator Faust-Goudeau
Elections; voter registration; proof of citizenship; sworn affidavit alternative.
09/03/2013 Senate—Introduced—SJ 6
09/03/2013 Senate—Referred to Committee on Ethics, Elections and Local
Government
09/04/2013 Senate—Died in Committee

TITLE AND HISTORY OF SENATE RESOLUTIONS
SPECIAL SESSION

- S 1701** Resolution by Senators Wagle, Bruce, Hensley
Organization of the Senate, special session 2013.
09/03/2013 Senate—Introduced—SJ 3
09/03/2013 Senate—Adopted without roll call—SJ 3
09/03/2013 Senate—Enrolled on Tuesday, September 03, 2013—SJ 8
- S 1702** Resolution by Senators Longbine, Bowers, Donovan
Congratulating the 2013 Buick Achievers Scholarship recipients.
09/04/2013 Senate—Introduced—SJ 9
09/04/2013 Senate—Adopted without roll call—SJ 10
09/04/2013 Senate—Enrolled on Wednesday, September 04, 2013—SJ 19
- S 1703** Resolution by Senators Hensley, Faust-Goudeau, Haley
Commemorating the 50th anniversary of The March on Washington for Jobs and Freedom.
09/04/2013 Senate—Introduced—SJ 10
09/04/2013 Senate—Adopted without roll call—SJ 11
09/04/2013 Senate—Enrolled on Wednesday, September 04, 2013—SJ 19

FINAL 2013 SPECIAL SESSION
SENATE CALENDAR

**SEPTEMBER 3, 2013 THROUGH
ADJOURNMENT SEPTEMBER 4, 2013**
**NUMERICAL SCHEDULE OF SENATE BILLS
2013 SPECIAL SESSION**

1 Died, Com

**NUMERICAL SCHEDULE OF SENATE RESOLUTIONS
2013 SPECIAL SESSION**

1701 Adopted, Enr
1702 Adopted, Enr
1703 Adopted, Enr

**ACTION ON HOUSE BILLS
2013 SPECIAL SESSION**

2002 Adopted, Am

**ACTION ON HOUSE CONCURRENT RESOLUTIONS
2013 SPECIAL SESSION**

5001 Adopted
5002 Adopted

**SUMMARY OF ACTIONS ON SENATE BILLS
AND SENATE RESOLUTIONS**

Senate Bills

Senate bills introduced in the 2013 Special Session.....	1
Senate bills signed by Governor.....	0
Senate bills killed in Senate	<u>1</u>
TOTAL.....	1

Senate Concurrent Resolutions

Senate concurrent resolutions introduced in 2013 Special Session.....	0
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Senate Resolutions

Senate resolutions introduced in 2013 Special Session.....	3
Senate resolutions adopted.....	<u>3</u>
TOTAL.....	3

STATUS OF BILLS AND RESOLUTIONS

Senate resolutions adopted: Nos. 1701, 1702, 1703

Senate bills killed: No. 1

**APPOINTMENTS, COMMUNICATIONS,
MESSAGES FROM THE GOVERNOR
2013 SPECIAL SESSION**

APPOINTMENTS

SR 1701, relating to the organization of the Senate and appointments of the president, vice president, majority leader, minority leader, secretary and sergeant at arms, page 3.

COMMUNICATIONS FROM STATE OFFICERS

Secretary of the Senate, Corey Carnahan, received the following communications during the interim since adjournment of the 2013 Regular Session of the Legislature:

Proclamation from Governor Sam Brownback calling the Legislature into Special Session to protect the safety of the citizens of Kansas, page 1.

The Kansas Employees Retirement System submitted a copy of the Annual Report of the Kansas Public Employees Retirement System regarding KPERS investments in Sudan, page 6.

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SB 1 Elections; voter registration; proof of citizenship; sworn affidavit alternative.

SR 1703 Commemorating the 50th anniversary of The March on Washington for Jobs and Freedom.

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